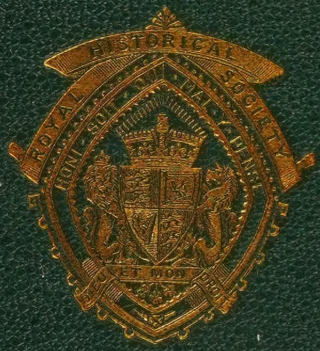
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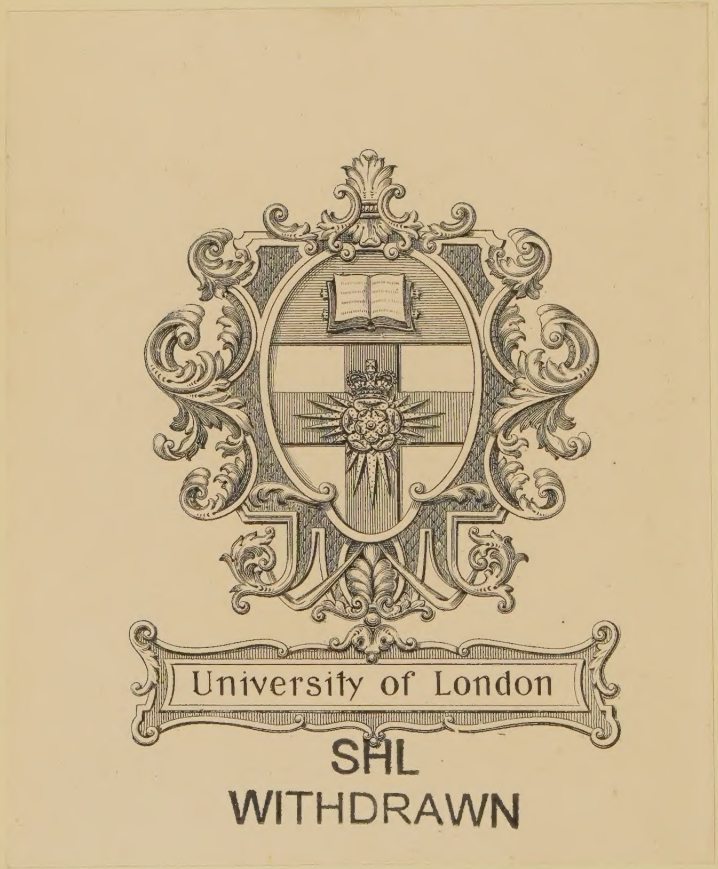

23 JUL 1979

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

Fourth Series

VOLUME XV

LONDON
OFFICES OF THE SOCIETY
22 RUSSELL SQUARE, W.C.1
1932

30509

Made and Printed in Great Britain by Butler & Tanner Ltd., Frome and London

SHL
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LONDIN.
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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

Delivered 11 *February*, 1932

By Sir Richard Lodge, LL.D., Litt.D.

Sir Benjamin Keene, K.B.: A Study in Anglo-Spanish Relations in the Earlier Part of the Eighteenth Century

During the Anglo-American Conference last July I made the acquaintance of an American Professor who was engaged in a special study of Anglo-Spanish relations in the eighteenth century. She (for the Professor was feminine) made some observations that interested me. She said that the century was often described as the period of a second Hundred Years' War between England and France, but that this might be more accurately described as a Hundred Years' War between England and Spain. She added that the cause of that war was trade disputes. I, with my head full of the *asiento* and the permitted ship, replied that there were constant quarrels about colonial trade, but she contended that England was equally interested in the domestic trade with Spain itself. Subsequently she was kind enough to send me some interesting papers on Spanish history in the eighteenth century which she had contributed to the Smith College Studies in History.[1]

[1] Smith College Studies in History, Vol. XV, Nos. 1, 2. *Studies in the History of Spain in the Second Half of the Eighteenth Century*, by Vera Lee Brown, Ph.D., Assistant Professor of History in Smith College.

This conversation—and it is one of the services of these Conferences that they give occasion for such conversations—had the effect of turning my attention to Anglo-Spanish relations in the earlier part of the century, which is more peculiarly my period. I speedily discovered that Professor Brown was quite justified in her assertion that England attached very special importance to the domestic trade with Spain. On this subject I cannot do better than quote her own words. This trade, she says:

"had been for a century 'the Darling—the Silver Mine of England.'[1] The Spanish people bought in quantities just those articles which the English were most anxious to sell—their woollen cloths of all descriptions, particularly the famous Colchester 'bays and says' [much used in Spain for the clothing of monks and nuns], other manufactured goods in cotton and linen, hardware, leather, tin, butter, tobacco and Newfoundland fish; and in return Spain sent to England the native and colonial products that were the very articles that England stood in greatest need of. Wool from about Segovia formed the basis of the famous 'Spanish cloth,' the highest product of the English loom. Cochineal, indigo, and other dyes came through Spain from Mexico and other parts of the Spanish Indies, and were essential for dyeing in grain or fast colours. Spanish *barilla* and olive oil were needed for the making of soap with which to wash the new wool. Several kinds of Spanish wines and fruits were eagerly purchased, but above all the Spanish trade was prized for the bullion that it brought to England. It was in fact in Spain that England tapped the world's supply of gold and silver. Without this commodity, which neither England nor her colonies produced but of which Spain had practically a monopoly, England would have been hard put to it for a medium of exchange, a means with which to purchase supplies for her navy or carry on her Far Eastern Trade."[2]

The Golden Age of Anglo-Spanish trade, to which English merchants looked back with longing eyes throughout the eighteenth century, was the reign of Charles II—not Charles II of England, though his reign was partially coincident,

[1] Quoted from *A Proposal for Humbling Spain*, written in 1711 by "A Person of Distinction".

[2] Smith College Studies, *u.s.*, p. 43.

but the longer reign of Charles II of Spain (1665–1700). At that time Spain, threatened by the overwhelming power of France under Louis XIV, was compelled to appeal for English support and to offer in return for such support commercial concessions which Spanish pride and Spanish exclusiveness had hitherto resolutely refused. The most extensive of these concessions were granted by the commercial treaty of 1667, which bulks very largely in the diplomatic discussions of the following century. This treaty, among other things, exempted English traders from " any new customs, tolls, taxes, subsidies or other duties whatsoever—other than those which in the like case the natives themselves and all other strangers are obliged to pay."

This favoured position was enjoyed by England for the remainder of the century. It was lost during the War of the Spanish Succession, and it was not likely that the Bourbon king who was left in possession of the Spanish Crown and the Spanish colonies by the Treaty of Utrecht would be willing to continue concessions extorted from Spain when that kingdom was too weak to refuse them. The result of the altered situation was seen in the commercial treaty, ratified in February, 1714, which formed an integral part of the Utrecht settlement. In spite of Bolingbroke's efforts to secure the mercantile interests of England, this treaty imposed upon imports from England a far higher duty than had been exacted before the war. There was a very obvious danger that the mercantile privileges hitherto given to England would be transferred to France.

The task of guarding against this danger and of putting an end to disputes which had arisen as to the interpretation of the Utrecht treaty was entrusted by the new Whig ministers of George I to an agent who appears at first sight very unsuitable. This was George Bubb, afterwards the notorious Bubb Dodington,[1] who was then a young and inexperienced

[1] There is an excellent sketch of the career of Bubb Dodington by Lloyd Sanders, under the title of *Patron and Place-hunter*. Unfortunately Mr. Sanders regards commercial treaties as " an acquired taste " (p. 29), but his account of Bubb's mission to Spain is worth reading.

would-be politician of twenty-four years. Bubb went to Madrid in 1715 as successor to the veteran Paul Methuen. Fortunately for him, circumstances favoured his mission. The death of Louis XIV and the accession to the Regency of the Duke of Orleans put an end for the time to that close alliance with France which had seemed to be the bulwark of the new Bourbon dynasty in Spain. Elizabeth Farnese and her rising favourite Alberoni were eager to obtain English approval for their Italian schemes. The result was that Bubb, to the intense gratification of his Whig employers, obtained a commercial treaty in December, 1715, which renewed to England the commercial conditions of the reign of Charles II.

If this treaty had been carried out, all would have been well. But its conclusion was followed by that continuous friction and open or ill-concealed hostility between England and Spain, which lasted through the ministries of Alberoni, Ripperdà, and Patiño, and finally led to the declaration of war in 1739. During this third of a century (1715–48) Bubb's treaty, as it was called, though never repudiated, was little more than a dead letter. When a general peace was made at Aix-la-Chapelle in 1748, Lord Sandwich, either through ignorance or carelessness, failed to include the treaty of 1715 among the Anglo-Spanish treaties which were renewed in the Preliminaries. Newcastle blamed him for this omission, and ordered him to remedy it in the Definitive Treaty. But Spain, backed by France, refused to consent to the necessary amendment, so that the Treaty of Aix-la-Chapelle left Anglo-Spanish trade, as far as formal regulation went, under the conditions of the Treaty of Utrecht, which had been regarded at the time as unsatisfactory. All that Sandwich had been able to obtain was that the *asiento* and the permitted ship, the two concessions as to colonial trade which Spain had made at Utrecht, were to be renewed for four years, in order to compensate the South Sea Company for the interruption of this trade during the recent war.

This Anglo-Spanish part of the Treaty of Aix-la-Chapelle

was not at all popular in England, and Newcastle, eager to pacify the mercantile class and also to carry out political designs of his own, hastened to send to Madrid the one man who, by common consent, was qualified to bring about better relations between England and Spain. This was Benjamin Keene, a native of King's Lynn, whose Norfolk birth (in 1697) and early promise had commended him to Sir Robert Walpole, and who had continued to enjoy the favour of Walpole's political heirs, the Pelham brothers.

Keene is by far the most prominent British agent in Anglo-Spanish relations of the eighteenth century. His official dispatches, preserved mostly in the Public Record Offices and partly in the Newcastle Papers,[1] are fairly well known, and were largely drawn upon by Archdeacon Coxe when he compiled his *Memoirs of the Bourbon Kings of Spain*. In fact, great part of that work may be described as Keene diluted with Coxe. But my reason for choosing Keene as the subject of my address is not solely his diplomatic importance. Keene's papers were sent after his death to his brother Edmund Keene, another protégé of Newcastle, who was successively Master of Peterhouse, Bishop of Chester, and Bishop of Ely. The Bishop's son, christened Benjamin after his uncle, married in 1780 Mary Ruck, the heiress of the estate of Swyncomb in Oxfordshire. The Keene Papers must have been transferred on the Bishop's death to Swyncomb, which remained in the possession of the Ruck Keenes until 1923. In that year it changed hands, and in the course of alterations the papers, long forgotten, were found behind a partition in an adjacent loft. In addition to the usual duplicates of official dispatches, these papers include a very full collection of private letters which Keene wrote in his own hand to his most intimate friend, Abraham Castres, who had been his close associate for many years as Consul at Madrid and at Lisbon, and in 1749 succeeded

[1] Keene's dispatches from Lisbon in 1746 are not in the Foreign State Papers at the Record Office. It was at one time thought that they had been lost. But they are to be found in the Newcastle Papers in the British Museum.

him as Envoy at the Portuguese Court. This series of letters, practically complete except for a gap of nine months from June, 1751, to April, 1752, is, I think, unique in its character, and gives an extraordinarily intimate account of life at the Spanish Court and also of the little group of British traders and their families who were collected in the Factory at Lisbon. The letters have been submitted to me by their present proprietor, Mrs. Ruck Keene, and I hope that their publication may once more call attention to a notable Englishman, who has been too long buried in the unread pages of Archdeacon Coxe.[1]

I cannot compress Keene's career in Spain into a single address, and must pass very superficially over its earlier period. He went out to Madrid in 1723 as agent for the South Sea Company. To that office he added in 1724 that of British Consul, and in 1727 he was promoted to be Minister Plenipotentiary. In that capacity he adjusted with the Spanish and French ministers the terms of the important Treaty of Seville in 1729, though the credit for the actual signature of the treaty was assumed by William Stanhope, who returned to Spain after two years' absence for that express purpose. As Stanhope was rewarded with the earldom of Harrington and the post of Secretary of State, whereas Keene got nothing, the young diplomatist was warned for the first, but not for the last, time that in an age of aristocracy humble birth was no slight handicap. He never quite forgave his professed patrons, then at the height of their power, for having treated him in 1729 as if he had been merely Stanhope's private secretary. However, Stanhope speedily returned to England and for the next ten years Keene was the sole British minister in Spain. His most memorable achievement in these years was the conclusion in January, 1739, of the Convention of the Pardo, by which he endeavoured, in accordance with the policy of Walpole, to avert the outbreak of an Anglo-Spanish war.

[1] The publication of the *Private Correspondence of Sir Benjamin Keene* has been undertaken by the Cambridge University Press.

For this Convention he was bitterly denounced in England, and his enemies called him " Don Benjamin " to imply that he was more of a Spaniard than an Englishman. When Walpole subsequently fell and was threatened with impeachment, it was proposed to include Keene in the accusation. Meanwhile the Convention had proved futile, and Keene had been compelled to leave Spain on the outbreak of hostilities.

From 1739 to 1746 Keene remained in England and sat in the House of Commons as a member of the docile Walpole-Pelham group of Whigs. The reward of docility was a place on the Board of Trade and later the office of Paymaster of Pensions. It is evident from Keene's private letters that he had neither taste nor aptitude for parliamentary life, and in 1745 he welcomed the chance of exchanging his Pensions office for that of British Minister at Lisbon, which Charles Compton desired to resign in order to return to England. There was a vein of indolence in Keene's character, as Horace Walpole perceived, and what attracted him to Lisbon was not the importance of the post but the prospect of an easy and restful life.[1] He was in no hurry to go out, and his departure was further delayed by the Jacobite rising, which made ministers unwilling to lose an assured vote in Parliament. But in 1746 an event occurred which brought him once more into a main current of European diplomacy and put an end to all hope of a lotus-eating existence. This was the death of Philip V of Spain and the accession of Ferdinand VI. Newcastle confidently anticipated that the new King could be easily detached from the French Alliance, and that France, deserted by Spain and threatened with an invasion from the side of Italy, would be compelled to evacuate the Netherlands and to cede Cape Breton to England. As Portugal was our ancient ally and was supposed to have a special hold upon the young King of Spain, Keene was hurried off to Lisbon to open negotiations with Madrid,

[1] See a letter from Keene to Sir Thomas Robinson in B.M. Add. MSS. 23821 (Robinson Papers), fo. 170.

where he had many friends, through the agency of the Portuguese Court. A little later a parallel negotiation for a separate peace was opened at Breda between Lord Sandwich and an eccentric Spanish diplomatist, Macanaz. The two negotiations helped to kill each other, and neither British representative was allowed to make the necessary concessions.[1] Peace might have been purchased either by the promise of an adequate principality for Ferdinand's half-brother Don Philip, or by the surrender of Gibraltar. The refusal of both was fatal. Keene's mission to Lisbon was, as regards its main purpose, a failure, and the Anglo-Spanish war was ultimately closed, not by a separate peace, but by the general treaty of Aix-la-Chapelle, to which Spain rather tardily and reluctantly acceded.

No sooner was the war ended than Keene was ordered to return to Madrid. He had known all along that this was inevitable, but he obeyed with reluctance, and always held that he had placed ministers under an obligation by his self-sacrifice. There can be no doubt that his two and a half years at Lisbon were the happiest of his adult life. He had a congenial companion in Consul Castres, who shared house with him, and he found an easy and attractive society in the British merchants at Lisbon and their wives and daughters. Although he was an unrepentant bachelor, Keene appreciated to the full the charms of feminine companionship, and he knew that in Spain, where there was no middle class, he would find no substitute for Mrs. Stert, Mrs. Coppendale, Mrs. Perochon and others whom he left behind at Lisbon. Also he was one of the first Englishmen to discover the attractions of Cintra, and the loss of this charming resort added to the other pangs of parting. By way of consolation in his enforced exile he arranged to carry on a regular correspondence with his Lisbon friends, and his zeal in doing his share is proved by the frequency of those letters to Castres which have been so fortunately preserved.

[1] I have told the story of these simultaneous and overlapping negotiations in *Studies in Eighteenth Century Diplomacy*, chapters V and VI.

Keene's last mission to Spain is the most important part of his career. He had a double commission. In the first place he had to rectify a fault in the Treaty of Aix-la-Chapelle by inducing the Spanish Government either to admit that the treaty of 1715 was still in force, or to renew it, or by a fresh treaty to grant the same privileges to British traders. In the second place he was to detach Spain from the Family Compact and, if possible, to substitute an alliance with England for that with France. Obviously the political and commercial aims fitted with each other, and success in one would facilitate success in the other. In order to appreciate Keene's advantages and difficulties in the prosecution of his task it is necessary to look somewhat closely into conditions at the Court of Spain.

Ferdinand VI was the second and only surviving son of Philip V's first wife, Maria Louisa of Savoy. He was thus a Bourbon on the father's side, but on the mother's he was the nephew of Charles Emmanuel of Sardinia, who had been the unwelcome ally of Spain in the so-called War of the Polish Succession and her embittered opponent in the subsequent war. Ferdinand had been neglected and ill-treated by his step-mother, Elizabeth Farnese, who had dominated Spanish policy as long as Philip V lived, and, though at first he had allowed her to reside in Madrid, he had in 1747 banished her to the palace of San Ildefonso. There was a widespread feeling in Spain that during the late reign, and especially since 1733, France had been provokingly dictatorial, that Spain had been regarded at Versailles as a client state, and that she had been treated with scant courtesy and consideration both in the negotiations of 1735 and in those of 1748. In both cases France had settled the terms of the treaty and had then insisted upon their acceptance by Spain. From this humiliating tutelage the true or "old Spaniards," as they called themselves, were eager to free their state. Another factor tending in the same direction was the influence of Ferdinand's wife, Queen Barbara, who was supposed to guide her husband as completely as Elizabeth

Farnese had controlled Philip V. Barbara, a daughter of John V of Portugal, had grown up at Lisbon in the traditions of an alliance with England, while from her mother, a sister of the Emperor Charles VI, she had imbibed a strong sense of the greatness of the house of Habsburg. And Barbara herself had a whole-hearted admiration for her heroic cousin, Maria Theresa.

All these things encouraged the belief that the new reign would usher in a new foreign policy. But there were counterbalancing forces. During the period of predominance France had secured a strong foothold at the court of Madrid and was not likely to spare either corruption or intrigue to maintain it. And France had some formidable weapons. Ferdinand might be a half-hearted or even a disloyal Bourbon, and his wife might actually be anti-Bourbon, but they were childless, it was popularly known that they must be childless, and both of them, especially the Queen, were in very frail health. Thus, even if Spain should adopt a new policy, there was no assurance that it would be continued. The formidable Queen Dowager kept her own court at San Ildefonso, where she received the visits of foreign diplomatists, and she was still keenly interested in the affairs of Europe. The death of the reigning King would transfer the Spanish crown to her eldest son, Don Carlos, now King of the Two Sicilies, who was notoriously unwilling to submit to dictation or guidance from his half-brother at Madrid. And Don Carlos had been humiliated by England in 1742, and had never forgotten or forgiven the insult when a threatened bombardment of Naples by a British squadron had compelled him to withdraw the Neapolitan troops from co-operation with the Spanish army in Italy. Finally it must be remembered that Ferdinand VI and his wife were timid rulers, resenting French control but dreading to irritate France, and easily swayed by their intimate associates, and especially by their confessors.

A single dominant minister might have guided Spain along a definite path, but one of Keene's greatest difficulties

was that he had to deal with two rival ministers, whose functions overlapped and who had so little in common that they could rarely be induced to confer together. Don Joseph de Carvajal, a patriotic but cautious Spanish noble, who claimed descent from the house of Lancaster, controlled the department of foreign affairs, while the Marquis of Ensenada, an adventurer who had risen by ability from comparatively humble rank, held the multiple departments of marine, finance, war and the Indies. Carvajal pursued a definite policy, the maintenance of peace, the recovery of Spanish independence, the establishment of amicable relations with England, coupled with the avoidance of any open rupture with France. Ensenada, while professing the same principles and for a time deceiving Keene, was more of an opportunist, more absorbed in maintaining his own position than in furthering the interests of Spain, and in the end an avowed advocate of the French alliance. Keene might make agreements with Carvajal, but it was not difficult for the more subtle Ensenada to obstruct their fulfilment.

Keene's greatest difficulties, however, lay, not in the insecurity of the dynasty or the divergence of ministers, but in the irreconcilable commercial and colonial claims of the two states. The Treaty of Aix-la-Chapelle had done nothing to settle those maritime disputes which had given rise to the "War of Jenkins's Ear." Much of the trade which England carried across the Atlantic was in Spanish eyes illegal "contraband." The measures which Spain took to check this trade were termed in England "depredations," and the Spanish *guardacostas* were denounced as "licensed pirates." Spain had also a more concrete grievance. For more than half a century English ships had carried on a lucrative trade in logwood.[1] This was cut in the swamps of Campeachy Bay. As the logwood-cutters could not live in the swamp, they built huts on the not too distant Mosquito Shore and later on the more convenient banks of the

[1] For extremely interesting documents on the history of the Anglo-Spanish disputes about the cutting of and trade in logwood, see *Archives of British Honduras*, Vol. I, edited by Sir John Alder Burdon.

River Valis (Belize). The cutting and the carrying, and above all the settlement, were denounced by Spaniards as encroachments in a part of the world which belonged to Spain by right of prior discovery. The dispute dated back to the time of Charles II, when Spain had been powerless to defend her rights and could only assert them by impotent protests. England, on her side, maintained that use and wont had created a right. No formula could reconcile English thrustfulness with Spanish monopoly; and even if a formula could have been devised in London or Madrid, it would have failed to avert quarrels on the spot. Keene had a distinguished position at the Spanish Court, and was justly proud of it. But his difficulty in gaining and keeping that position can only be measured if we remember that in the background of his major negotiations he had to deal with an incessant stream of protests from both England and Spain against high-handed or illegal conduct on the part of subjects of both states.

The chief landmarks in the history of Keene's mission are clearly traceable. He began by concentrating his attention upon the settlement of commercial problems, partly because they were the most pressing, and partly because their adjustment might pave the way to a political *entente*. At the very least, a commercial agreement would be a gesture of independence on the part of Spain and would be so regarded by France. There were two immediate problems, at first quite distinct, but ultimately combined together. The first, to which British ministers attached special importance, was the omission of Bubb's treaty of 1715 at Aix-la-Chapelle. The second was a double claim on the part of the South Sea Company, (1) to the renewal of their privileges for four years under article 16 of the Aix treaty, and (2) to the payment of pecuniary claims against Spain amounting to considerably more than a million pounds.[1]

[1] The exact amount of this alleged debt was £1,367,387 3*s*. 0½*d*. The memorial demanding payment, signed by Peter Burrell and John Bristow, the sub- and deputy-governors of the Company, was forwarded by Bedford to Keene on 9 March (o.s.), 1749 (S.P., Spain, 135).

With regard to Bubb's treaty Carvajal was adamant. He would not admit that it was in force, because all treaties had been annulled by the war and only those specially mentioned had been revalidated. And he refused to renew a treaty which he regarded as so disgraceful that no Spanish minister ought to have signed it. Therefore the only expedient left was the negotiation of a new treaty, and to this there was the obvious objection that any concessions granted by Spain would have to be shared with those states which were entitled by treaty to "most favoured nation" treatment. Meanwhile Keene had to moot the South Sea Company's claims to Ensenada, as they concerned his departments of the Indies and finance. Ensenada rather confounded Keene by producing an agreement signed at Aix-la-Chapelle by Sandwich and Sottomayor on 24 June, 1748, after the settlement of the Preliminaries. This provided that, when peace was finally made, commissioners should be appointed by both states to consider whether some pecuniary compensation could be substituted for the renewal of the *asiento*. Bedford had to send to Keene documents which should have been furnished at the outset, showing that Sandwich had signed the agreement, and that he had justified it to Andrew Stone (then with the King at Hanover) on the ground that it was necessary to induce Spain to accede to the Preliminaries and also that it would help to sever Spain from France.[1] Thus Keene found himself confronted with a very complicated negotiation, and it was only after that had been tried and failed that the Company could claim the four years' renewal of the *asiento* and the annual ship. As to the so-called debt to the Company, Ensenada asserted that the King of Spain had a bill to present, and that the Company were in reality debtors rather than creditors.

Out of this welter of claims and counter-claims there gradually emerged the suggestion of a compromise, which

[1] Copies of the agreement and of Sandwich's apologetic letters to Stone are in S.P., Spain, 135. They were sent to Keene by Bedford on 11 May (o.s.), 1749. Three letters from Bedford of the same date are printed in *Bedford Correspondence*, II, pp. 27–35.

Carvajal expounded to Keene in September, 1749. Exclusive privileges, he said, unshared by any other nation, could not be *given* to England, but they might be justified if they were *sold* for a valuable consideration which no other nation could give. If, therefore, England will give up all the South Sea Company's claims—for the renewal of the *asiento* and for the payment of alleged debts—then, in return, Spain might grant to British traders the favourable conditions of Charles II's reign. This bargain was not unattractive to the British ministry,[1] but the insuperable objection was that the King was bound to defend the legal rights of his subjects and therefore could not give them away in a public treaty. They offered to surrender the *asiento* and to pass over the debt *sub silentio*, but Carvajal insisted upon a secret article pledging the King not to support the Company's claims. This was rejected as more discreditable than a public abandonment, and Keene was instructed to urge the payment of some pecuniary compensation as the only way to end the deadlock. He was to demand £300,000 but might come down to £200,000. Carvajal very reluctantly consented to any money payment, which contradicted his previous pledges to the King of Spain, and which brought in his financial colleague Ensenada. He obstinately refused to offer more than £100,000, and it was difficult to ask the South Sea Company to accept so inadequate a sum in order to confer advantages, not on themselves, but on British traders in general.

At the last minute Ensenada's ingenuity raised a new obstacle. It was declared that the exclusive concessions to England must be for five years only. This time limit, coupled with complete insecurity as to what conditions might be imposed at its close, was unhesitatingly rejected in England, but its abandonment had to be purchased by accepting

[1] Keene reported to Bedford Carvajal's first overture and the proposed bargain on 28 September, 1749. Bedford on 26 October (o.s.) intimated approval in principle of the bargain, on condition that the South Sea claims were passed over *sub silentio* and that the concessions to England were exclusive (S.P., Spain, 137).

the Spanish offer of £100,000.[1] Even then Keene was dubious of success. The Court was going on a pilgrimage to Avila and thence to Aranjuez. If he did not get the treaty before their departure, there might be endless delay and more obstruction. Carvajal kept him in suspense till the last moment, and on 5 October signed the treaty just as he was stepping into his coach to go to Avila. All pecuniary claims on both sides were to be abandoned, there was to be no renewal of the *asiento* and the *navio permiso*, so that trade to the Spanish Indies was equally open or equally closed to all traders, and British merchants were to have the same privileges as in the reign of Charles II and were to pay no higher taxes anywhere than were paid by Spanish subjects in the same place.[2]

The commercial treaty of 1750 was Keene's first achievement since his return to Spain, and it was cordially welcomed in England, in spite of the growls of the South Sea directors that their former servant had treated the Company rather scurvily. "The exploded *Don Benjamin*," wrote Horace Walpole, "has repaired what the *Patriot* Lord Sandwich had forgot or not known to do at Aix-la-Chapelle." Not the least commendation of the treaty was that it was bitterly resented in France. Vaulgrenant, the French

[1] The *most secret* dispatch from Bedford authorising Keene to give way on these points is dated 30 August (o.s.), 1750, and is printed in *Bedford Correspondence*, II, p. 51. The King and Newcastle were at Hanover, and their opinion had to be sent to London for submission, not to the Lords Justices or to the full Cabinet, but to "those Lords who are usually consulted upon the most secret affairs." It was the decision of this inner Cabinet that Bedford transmitted to Keene, and that decision was based upon virtual instructions sent from Hanover by Newcastle. A copy of Newcastle's letter to Bedford, dated 19/30 August, which was enclosed to Keene, is in S.P., Spain, 138.

[2] In the negotiation of this treaty valuable services were rendered by the Visconde de Ponte di Lima, the Portuguese ambassador in Madrid, and by General Wall, the Spanish minister in London, and Keene fully admits his obligations to both. Coxe (*Bourbon Kings*, IV, p. 42) goes so far as to say that Wall had to be recalled from London to facilitate the conclusion of the treaty. For this statement I can find no justification in either the Keene Papers or the State Papers in the Record Office. The dispatch of 12 March, 1752, to which Coxe refers in a footnote, has no reference to the conclusion of the commercial treaty in 1750.

ambassador, had been instructed to oppose the treaty.[1] Not only was it negotiated without his knowledge, but he was not even informed of its conclusion for several weeks, and Keene reported that he had protested against the treaty without any official knowledge of its contents.[2] In view of the chorus of approbation from England, Keene confidently expected that he would receive the red ribbon of the Bath, which was the normal reward of a successful diplomatist. All that he obtained, however, was permission to assume publicly the character of Ambassador. As he already had an ambassador's pay and allowances, he regarded the mere recognition of his status as a very inadequate reward.[3]

In 1751, when attention in England was absorbed by the death of the Prince of Wales and the consequent scheme for a Regency, and also by the ministerial changes which followed the dismissal of Sandwich and the resignation of Bedford, Keene found himself plunged into another negotiation, of which he subsequently declared that it "cost me more pains than all the business I ever did on our own account." I have already explained how natural it was that the Queen of Spain should desire a reconciliation with her cousin Maria Theresa, though she knew that it would alarm and possibly irritate France. It was even more natural that Austria should take advantage of this to bring about a reconciliation with Spain.[4] On 9 April, 1751, Esterhazy,

[1] *Recueil des Instructions, Espagne*, III, p. 294. "Quoique il ne soit pas admis au secret de cette négociation, il employera toutes les voies indirectes dont il pourra faire usage pour la traverser."

[2] Keene to Bedford, 8 December, 1750, *most secret*. "Spain has in some measure declared her divorce from France." He added that "one Spanish minister speaks the French language with pain, the other not at all," and that Vaulgrenant was seriously handicapped because his knowledge of Spanish was very limited (S.P., Spain, 138).

[3] In a private and particular letter to Bedford on 8 December Keene expressed the hope that he "may receive some such marks of his Majesty's approbation as shall be thought proper to be conferred upon me" (*Bedford Correspondence*, II, p. 63).

[4] Arneth (*Maria Theresia*, IV, p. 336) asserts that the first move towards a reconciliation between the courts of Vienna and Madrid was made by Spain through the agency of Cardinal Portocarrero, the Spanish minister in Rome, who had been previously in the employ of Austria. This

the long-expected Austrian Ambassador, arrived at the Spanish Court. On 17 May Keene reported to Whitehall that the new ambassador had placed in Carvajal's hands a draft treaty to secure the peace of Italy by guaranteeing the Habsburg and Bourbon territories in the peninsula as settled at Aix-la-Chapelle. As the Bourbon possessions, the Kingdom of the Two Sicilies and the Duchy of Parma, had been wrested from Austria, this voluntary resignation of all hope of their recovery was an overture of great importance to Europe. The Duke of Newcastle, who had just made himself supreme at the Foreign Office by substituting the docile Holderness for the Duke of Bedford,[1] was delighted with news which seemed to fit in admirably with his schemes for the sorting of the European powers. His immediate object was to regain the alliance with Austria by procuring the election of the Archduke Joseph to be King of the Romans. This done, he would induce Maria Theresa to renew the Barrier Treaty, and thus to re-constitute the old Grand Alliance between Austria and the Maritime Powers. As this alliance had proved to be inadequate against the Family Compact and Prussia, he endeavoured to buttress it by the support of Russia, and hoped that this had been secured when in 1750 England acceded to the Treaty of the Two Empresses (concluded between Austria and Russia in May 1746). But the alliance would be infinitely stronger if France could be deprived of her principal ally by the rupture of the Family Compact. Accordingly Robert Keith at Vienna and Keene at Madrid were ordered to co-operate in the great work of freeing Spain from the yoke of France and "uniting the courts of Vienna and Madrid by the King's mediation."

Before these instructions had reached Keene, he had begun

is partially supported by Keene, who reported on 15 July, 1751, to Holderness that Portocarrero had arrived in Spain and that he brought proposals from the Imperial Court.

[1] Newcastle to Keene (very private), 5 August, 1751: "My late colleague was a very great man—my present one is a very amiable one" (B.M. Add. MSS. 32829, fo. 74).

to take steps in the desired direction. It must be remembered that throughout he was actuated by the belief that the " old system " was intact and that Austria was still the primary and essential ally of Great Britain. Newcastle, both at Whitehall and at Hanover, had had ample warning that Austrian co-operation was no longer assured, and that even the bribe of the election of a King of the Romans might be insufficient to regain it. But he obstinately refused to contemplate the possibility of Austrian defection, and no hint of such a possibility had reached our ambassador at Madrid. It is true that Keene was puzzled by Esterhazy's reserve, and it was only under pressure that he obtained from the Austrian envoy the outline of his scheme. Esterhazy admitted that the only contracting powers were to be Austria and Spain, and that the King of Naples, the Duke of Parma, and the Emperor, as Grand Duke of Tuscany, were to be invited to accede. Keene hastened to point out that it would be impossible to secure tranquillity in Italy without the inclusion of the King of Sardinia, and that the security would still be imperfect without the co-operation of the King of Great Britain. Such an expansion of the treaty would commit Spain further than she perhaps intended or desired, and France would be left with no allies except the Duke of Modena and a few German princes. Keene believed that he had made an impression on Esterhazy, and he hurried the same evening to Carvajal to urge the inclusion of Sardinia. He found the Spanish minister not disinclined to admit that the Spanish King would be pleased by the inclusion of his uncle, especially as in the past year he had married his favourite half-sister to the Prince of Piedmont, and at the moment the Spanish Court was celebrating the birth of a prospective heir to the Sardinian crown. The only objection which Carvajal offered was that Ossorio, when he came to Madrid to negotiate the Sardinian marriage, had mooted the project of a treaty between the two courts but had rather surprisingly failed to press it. In view of this reserve on the part of Sardinia, it was

inconsistent with the dignity of Spain *de se jeter à sa tête.*[1]

Newcastle eagerly welcomed the inclusion of Sardinia, a state for which he had always displayed a marked partiality. He undertook to " break the ice " for Carvajal through Lord Rochford, the British minister at Turin. Keith was ordered to press the project at Vienna, and Keene at Madrid was in addition to urge the inclusion of the British King, either as a principal contracting power, or at least as a specifically invited accessory. To balance the defensive land forces which were to be furnished, in case of need, by the various parties to the treaty, Newcastle offered to send a naval squadron to the Mediterranean. He expressed his confidence that Charles Emmanuel would not hesitate to join if once he knew that George II was to be a member of the league.

This attempt to expand a simple treaty between two powers into a triple or even a quadruple alliance gave rise to endless difficulties and delays. In the first place Charles Emmanuel was in the eyes of Maria Theresa as unprincipled a robber as Frederick of Prussia, and only less detestable because he was farther off and not so formidable. There can be no doubt that the original intention at Vienna was to leave him out, and especially to give no guarantee to his eventual right under the treaty of Aix-la-Chapelle to resume possession of his share of Piacenza. On the other hand Austria, in view of the ever-present prospect of a renewed war with Prussia, was genuinely eager to be safe from disturbance on the side of Italy, and could not deny that her security would be increased by the adhesion of Sardinia. For this reason, and in view of the pro-Sardinian attitude of Ferdinand VI and Carvajal, Maria Theresa was not prepared to veto the admission of Charles Emmanuel, but her assent was the reverse of cordial, and she was not

[1] This lengthy and *most secret* dispatch from Keene to Holderness of 5 August, 1751, is in S.P., Spain, 140. Part of it is printed in Coxe, *Bourbon Kings*, IV, p. 73.

inclined to go out of her way to facilitate the conclusion of a triangular treaty. As for the intrusion of England, so rashly proposed by Newcastle and Keene, neither Madrid nor Vienna was prepared to agree to it. The attitude of Austria in this matter, added to its coolness about the proposed election of a King of the Romans and its recalcitrance about the renewal of the Barrier Treaty, increased the growing indignation in England against the court of Vienna. But the opposition of Spain was a still greater disappointment. Carvajal pointed out that the proposed treaty was between powers which had a direct interest in Italy, that England had no such interest, and finally that, if George II was admitted, he would be compelled to invite Louis XV to accede. This, from the English point of view, would have been a *reductio ad absurdum*. Newcastle was furious at this rejection of his offer of a naval squadron,[1] but he could not force an unwelcome entry, and was compelled to be content with backing the inclusion of Sardinia, which could be represented as entirely due to English intervention, and therefore as a triumph of English diplomacy.

The withdrawal of England and Austrian consent to the inclusion of Sardinia seemed at first sight to remove all difficulties in the way of the conclusion of the treaty, which aimed at nothing more than a confirmation of the *status quo*. But this was far from being the case. The chief obstacle was the difficulty of bringing about an agreement between Austria and Sardinia, and the latter state proved even more obstinate and unreasonable than its rival.

There can be no doubt that Charles Emmanuel had no desire to be included in the treaty. He had always resented

[1] In a private letter to Keene of 24 October, 1751, Newcastle did not conceal his chagrin nor his belief that he had been misled by too confident reports from Madrid. "Dear Keene, what a figure shall we make if we are baffled in this attempt? And that by our friends the Spaniards? How will the Court of Vienna laugh at us, and Bartenstein triumph for his impertinence? How will our geniuses at home ridicule us for offering ourselves and our fleets and being accepted by nobody? And you! France certainly thinks *you* govern all at Madrid" (B.M. Add. MSS. 32831, fo. 83).

the intrusion of a second Bourbon dynasty into Italy, and he was reluctant to give any guarantee to Don Philip. Very probably he foresaw that he would never be allowed to recover that share in the duchy of Piacenza which had been wrung from a reluctant Austria in the Treaty of Worms. But for pressure from England he would have declined the invitation, and then Newcastle's humiliation would have been complete. With considerable difficulty he was induced to send Count St. Marsan to negotiate at Madrid, but he refused for a long time to make any direct overtures to Vienna.

Carvajal, with Keene as a friendly prompter, had to act as mediator between Esterhazy and St. Marsan, neither of whom would admit that he had power to accept the proposals of the other, so that it was necessary on every disputed point to send couriers for instructions from the home courts. The Spanish minister, whose temper was short, did not conceal his indignation at what Keene called " mean little squabbles " between Austria and Sardinia. One of the most difficult to settle arose over what is called the *alternat*. St. Marsan claimed, as a demonstration of equality, to sign first in one of the copies of the treaty. Austria, regarding the Sardinian as a mushroom crown, refused to allow this unless it was accompanied at the same time by a formal protest against the pretension. Carvajal, who at first made no objection, and who had admitted the *alternat* in the signing of the recent marriage treaty, decided that Spanish dignity compelled him to join in the Austrian protest. St. Marsan declared that he could not sign if the protest was insisted upon. Then Sardinia demanded that Savoy, as an essential part of the King's dominions, should be included in the Italian guarantee. Austria agreed to this, much to Keene's delight, as the guarantee was obviously against France ; but Maria Theresa retorted that, as she had no fleet, she could not defend the island of Sardinia, and that therefore the treaty could only specify the dominions of Charles Emmanuel on the continent. St. Marsan said that he had no power to sign unless the island was included. The substitution of

money for military aid was suggested, but was rejected on the ground that Austria was notoriously short of money and was more accustomed to receive subsidies than to pay them.

So interminable were these disputes and the consequent delays that Carvajal and Keene were almost in despair. Esterhazy's ill-health necessitated his resignation of his mission, and an ecclesiastical successor, Count Migazzi, titular Archbishop of Carthage and Coadjutor of the Bishop of Mechlin, was on his way to Spain.[1] Carvajal had promised to sign the treaty before Esterhazy's departure, and Carvajal was a man of his word. In the end the Spanish minister drafted two treaties, one between Austria and Spain, and the other between the three powers. He declared that he would sign the first unless the Sardinian envoy would accept the latter by what was now a fixed date. Neither this threat nor Keene's vehement exhortations could induce St. Marsan to go beyond his instructions, and on the 10th of April Carvajal and Esterhazy signed the exclusive treaty between the two powers. On the 15th Migazzi arrived to take over the Austrian embassy.

Keene, whose credit was pledged to obtain the inclusion of Sardinia, was disconcerted by this act on the part of Carvajal, who had begun by being strongly in favour of Sardinia, but had been alienated by that court's insistence upon what he denounced as *minima*. But Keene clung to the hope that the triple treaty might yet be brought about, and that the April treaty would in that case become otiose. He redoubled his exertions to negotiate some compromise, and he appealed to Newcastle and Holderness to employ all their influence at Vienna and still more at Turin. His chief comfort was that he found Migazzi more pliable than Esterhazy had ventured to be. With regard to the *alternat*, Migazzi agreed to substitute for a formal protest the milder

[1] Keene wrote to Amyand on 15 May, 1752: "Pray tell my Lord Holderness that Migazzi is a mettled archbishop, rather wanting in ceremony for *that* title and *this* country" (S.P., Spain, 141). Keene found him easier to deal with and less reserved than Esterhazy had been.

form of a "reservation," declaring that, until there was general agreement among the powers, the present signature should not be regarded as a precedent. Finally Carvajal offered, in order to facilitate the inclusion of the island of Sardinia, that Spain would undertake, by an agreement outside the treaty, to provide the necessary transport for Austrian troops. Thus Sardinian obstinacy was rewarded by obtaining concessions on all the disputed points. In these circumstances even Keene, one of the mildest of men, was exasperated when fresh troubles were raised at the last moment. When Carvajal drafted a new triple treaty, St. Marsan objected to any reference in the preamble to the treaty which Carvajal had signed on 10 April. Migazzi replied that, after all Esterhazy had done, it would be ungracious to pass over his one achievement in silence. Nevertheless Migazzi gave way and consented to the restoration of the original preamble. Then St. Marsan declared that he could not sign unless he had a formal declaration that the treaty of 10 April had been annulled. Carvajal, who regarded the demand as "impertinent and insolent," sarcastically asked if he should compile a complete list of Spanish treaties in order that Sardinia might decide which of them it wished to be denounced. St. Marsan, however, insisted that he must send yet another courier to Turin, and Keene wrote that the answer would enable them to "see whether the King of Sardinia had any design, for it is plain he never had any desire, to become a party in this treaty." [1]

Meanwhile the ratification of the Austro-Spanish treaty had arrived in Madrid, and this made it much more difficult to demand that it should be annulled. But Maria Theresa, who in Keene's opinion had "changed her way of thinking upon her treating alone by herself with Spain," accompanied the ratification with the concession that the two acts, after being exchanged, might be returned, provided that the triple treaty had been signed in the interval. Even this gracious

[1] Keene to Newcastle (cypher), 29 May, 1752, in S.P., Spain, 141.

act failed to remove St. Marsan's scruples, and the long delay was only terminated by the return of the courier with orders from Turin to sign the treaty. This put an end to the dispute, and the Treaty of Aranjuez was signed on 14 June, 1752, by Carvajal, Migazzi, and St. Marsan. There were two secret articles : one between Austria and Spain (not disclosed to Sardinia) that the *alternat* granted to Sardinia should not be a binding precedent, and the other between Spain and Sardinia with regard to the transport of Austrian troops to the island. There was also a clause by which the subjects of each state were to have the most favoured nation treatment in trading with the others.[1]

Keene, to whom the signature of the treaty was an immense relief, wrote home exultingly :

> " The Empress had no inclination to admit the King of Sardinia, nor the King of Sardinia to be admitted to this alliance ; Spain, that was to unite to herself both the one and the other, did not well know how to bring it about, but by His Majesty's assistance and influence they have been prevailed to overcome these difficulties."

Newcastle, who believed that the agreement about Italy was the first and decisive step on the part of Spain in the direction of a permanent adhesion to his projected Grand Alliance, was equally jubilant. He sent his special thanks to Migazzi for his conciliatory attitude towards Sardinia, and declared that, if all Austrian ministers would act in the same spirit, Europe would be a better place. To Keene he virtually promised the " red ribbon," but was forced apologetically to admit that the King had refused to grant it.

The treaty was in itself a significant gesture, but Newcastle and Keene must have been bitterly disappointed to

[1] Arneth, always eager to lay stress upon English selfishness as an excuse for Austrian desertion from the alliance, states that this clause induced England to oppose the conclusion of the treaty. There is absolutely no foundation for this assertion. In the first place England actively promoted the treaty. In the second place, Keene only discovered the commercial clause late in the negotiations ; he makes but one mention of it in his dispatches, and it is never referred to in his instructions.

find very speedily that it was nothing more. Two of the signing powers, Austria and Spain, had contracted for client states, Naples, Parma, and Tuscany, whose accession was necessary to give validity and force to the treaty. As for Tuscany, it was not likely that the Emperor Francis would reject a treaty approved by his more powerful and masterful wife. Don Philip of Parma might chafe at the tutelage of Madrid, but he was neither strong enough nor rich enough to assert his independence. On the other hand, Don Carlos, the King of Naples and Sicily, whose wife was a sister of the Dauphine of France, had no intention of allowing his elder half-brother to dictate to him. His independence was the more natural and the more formidable because he was the heir to the Spanish throne as long as Ferdinand VI was childless. The Treaty of Aranjuez pledged Spain to support the arrangement made at Aix-la-Chapelle that, when he should succeed in Spain, his present kingdom should pass to his brother. This arrangement Don Carlos had determined to repudiate. He would not break the treaty so far as to keep the crown of Naples himself, but he would transfer it to one of his younger sons, and he would employ the power of Spain to enforce this transfer. Hence he definitely refused to accede to the Treaty of Aranjuez, and neither blandishments nor threats from Madrid could induce him to give way. This rejection of the treaty on the part of the most powerful of the minor states which it professed to bind, put an end to all assurance of future peace in Italy. If Don Carlos carried out his intention, Austria and Sardinia would lose the reversion of their shares of Parma and Piacenza, and, as matters stood, it was unlikely that they would submit to that loss without a struggle to avert it. In the end the treaty was a nullity, because before the death of Ferdinand VI Austria had become an ally of France, so that the situation was completely changed.

The most important result of the treaty was that it alarmed France, and impelled the French ministers to make a desperate effort to regain their lost ascendancy at the

court of Madrid. Vaulgrenant, who had shown himself no match for Keene, was recalled, and the Duke of Duras was sent to Madrid with instructions to make the most of his privileges as *ministre de famille*, and to urge Ferdinand VI to fulfil his obligations as a member of the House of Bourbon. Duras and Keene were on the most courteous terms with each other, but for the next three years there was an obvious duel between them, which was watched with keen interest by European politicians. A great deal depended upon the result. England and France were already engaged in a very vital negotiation as to the boundaries of Nova Scotia and the right of British settlers in North America to expand into the hinterland beyond the Alleghanies. If France could retain her hold upon Spain, she was likely to be more obstinate and exacting in America. If, on the other hand, Spain could be induced to go farther in the direction of cutting herself adrift from France, England could venture to take a stronger line with a reasonable assurance that her opponent would not, without the assured support of another maritime power, risk a contest in which the British navy would be able to play a predominant part.

At the outset the odds seemed to be in favour of Duras. During his first winter in Spain Keene was laid up with the earliest of his serious attacks of fever, and though he began to recover in February, 1753, he never regained complete health. This gave Duras a good start and he made the most of it. His principal ally was Ensenada, who, it was thought, could checkmate Carvajal by inflaming the Anglo-Spanish quarrels in the Gulf of Mexico. Nearly all the officials in the Spanish ports and in the colonies were Ensenada's creatures and were inspired by the traditional Spanish jealousy of British intrusion. Duras also hoped, with the help of Farinelli, the famous opera singer,[1] to gain the Queen, and with that of Father Ravago, the Jesuit confessor, to influence the King, who was in the habit of spending an hour

[1] His real name was Carlo Broschi. It is probable that his political influence was much exaggerated by contemporary rumours.

a day with his spiritual guide. It was very much in favour of France that the relations between Spain and Portugal were much less intimate than they had been. Carvalho (afterwards famous as the Marquis of Pombal), the chief minister of the new King, was not very friendly with England, where he had resided for several years, resented English privileges in the Portuguese ports as not being balanced by equivalent concessions to Portuguese residents in England, and desired to modify the terms of a treaty which had been concluded between Spain and Portugal in January, 1750, just before the close of the old reign. Keene's friend, the Viscount Ponte de Lima, who had signed the treaty, was recalled from Madrid early in 1753, and his successor, Count Unhão, had far less influence with Queen Barbara and was altogether a smaller man.

In spite of these disadvantages, Keene was resolute to maintain the ground which he had gained in the two last years, and very rarely had any doubt of his ultimate success. He relied mainly upon the honesty of Carvajal, though he deplored his occasional irresolution and his desire to avoid any irreparable breach with his ambitious colleague. Keene also found other supporters at court. The Duke of Huescar, later on his mother's death Duke of Alva, one of the most wealthy of Spanish grandees, had returned from his embassy to France with a feeling of bitter resentment against the French treatment of Spain.[1] Another prominent court official, Count Valparaiso, was an old friend of Keene and had secretly corresponded with him during Keene's residence at Lisbon. Outside Spain Keene had a valuable ally in Richard Wall, the Spanish ambassador in London. Keene's aim was to defeat Duras by procuring the overthrow

[1] Huescar was sent to Spain in February, 1746, by Elizabeth Farnese, at the moment when she was exasperated to find that the Marquis d'Argenson had negotiated behind her back a treaty with Sardinia. See my *Studies in Eighteenth Century Diplomacy*, p. 109. The treaty did not take effect, but it was always held in Spain that France merely took advantage of the Spanish campaigns in Italy in order to divert Austrian forces from the Netherlands and thus to facilitate French successes in their favourite scene of operations.

of Ensenada, whom he had at last discovered to be a "servile, piqued dependant upon France." During 1753 he was busily employed in collecting evidence which should destroy the credit of the Spanish minister. He made three discoveries. Without authority from the King and without consulting any colleague, Ensenada was encouraging the colonial governors to undertake such hostile measures against English traders and settlers that England would be compelled to retaliate and thus to give rise to a war which would force Spain into a close alliance with France. He was also in secret correspondence with the Queen Dowager at San Ildefonso, and was largely responsible for the obstinacy of Don Carlos in refusing assent to the Treaty of Aranjuez. Finally, he encouraged the opposition to the carrying out of the Portuguese treaty and was in league with Carvalho in this matter. These were formidable charges, and Keene only abstained from exploding them through fear of the odium which a foreign ambassador would incur if he ventured to interpose in the domestic affairs of the country to which he was commissioned.

The duel between Keene and Duras came to a crisis in 1754. Keene was just deploring the death of Henry Pelham, the English minister whom he most trusted, when he received a still greater shock in the sudden death of Carvajal (8 March). Everything depended upon the choice of a successor. Ensenada had a candidate ready in his creature Ordenaña. All Keene's hopes were based upon the selection of Wall, and his exultation was intense when he learned that Wall had been summoned from London, and that Huescar had undertaken to carry on the foreign department until his arrival. With the advent of the new minister things moved apace. Wall, an Irishman, had none of Carvajal's Castilian caution, and no intention of tolerating a colleague who might thwart his policy. Prompted by Keene and encouraged by Huescar, he provoked the open collision which Carvajal had shrunk from. Keene now ventured to employ the ammunition which he had collected.

The decisive document which carried conviction to the King was a copy of the instructions which Ensenada had sent to the West Indies ordering an attack upon the enemy settlement at the mouth of the Belize, and the seizure of all ships carrying the forbidden logwood. The use of the word "enemy" exasperated the pacific Ferdinand, who prided himself upon having no enemies. In the night following the 20th of July Ensenada was roused from his bed and was escorted under guard to Granada. His tool Ordenaña was simultaneously sent to Valladolid. The jubilant autograph note in which Wall reported to Keene in hurried ill-spelt sentences the success of their joint plot is one of the treasures which have been recovered in the Keene Papers.[1]

"The thing is done, my Dear Keene, by the grace of God, the King, Queen and my Brave Duke; and wen you wil read this scrape, the mogol will bee five or six leagues of going to Granad.

This newse will not displease our friends in Ingland.

Yours, Dear Keene,

forever

Dik

at twelve a clok Saturday nigth" [i.e. 20 July].

The downfall of Ensenada was in some ways the most sensational episode in Keene's career, and was credited to him as a personal triumph in France as well as in England. The knighthood of the Bath, which might appropriately have been given in recognition of his commercial treaty or of his share in making the Treaty of Aranjuez, was actually granted for the service which he had rendered to England by overthrowing a Spanish minister. And, what is still more anomalous, the King of Spain, at the request of George II, undertook to perform the ceremony of investiture, thus expressing his gratitude to an alien ambassador for inducing him to dismiss one of his own servants. The investiture took place, with all due formalities, on the Spanish King's birthday, 23 September, and Keene described it with great gusto in a long dispatch to Sir Thomas Robinson. He had at last

[1] This curious letter did not escape Coxe's notice and he printed it, with characteristic inaccuracy, in Vol. IV, p. 137.

obtained the "gewgaw," which he affected to despise but had long both coveted and deserved.

Ensenada's removal left vacant several offices which he had combined in his own greedy hands. The department of finance was given to Valparaiso, who had acted throughout in concord with Huescar. The veteran Don Sebastian Eslava, who had won renown by his defence of Carthagena against the British attack in the late war, was given control of the army. The important departments of marine and the Indies were committed to Don Julian Arriaga, with the significant change that the political side of the administration of the Indies was transferred to Wall, who thus put an end to that overlapping which had enabled Ensenada so often to obstruct any agreement with England. Keene wrote exultingly to Castres: "You and I have known this country many years, but this is the first time I ever saw it governed by *men* in all its branches."

Keene's exultation did not last many weeks. In September he was writing that the results of Ensenada's exile fell far below his expectation. There was a feminine reaction in the Queen's mind, encouraged by her ladies, against the early severity. The projected prosecution of the fallen minister was dropped. Not only was he allowed to retain his enormous wealth, but the King was induced by his Confessor to grant him a considerable pension. Although Ensenada was gone, his nominees remained in office, and one of them was actually promoted to the post vacated by Ordenaña. Still more serious to Keene was the discovery that Wall's zeal had obviously cooled. He had gone as far as he either dared or wished in the interests of England and, conscious of the objections to his own foreign birth, he could not risk the charge of favouring an alien state. Already men were labelling him as an Englishman and Huescar as an Austrian[1]! Keene had helped the two men to get rid

[1] Huescar's father, the twelfth Duke of Alva, had supported the Habsburg claimant in the War of the Spanish Succession, and the son had been born at Vienna in 1712. So it was natural to accuse him of Austrian sympathies.

of a formidable rival, and they had no longer any need of his assistance. He was compelled regretfully to chronicle a stiffening in the attitude of Spain.

This was the more unwelcome because the bomb which Ensenada had prepared actually exploded after he himself had disappeared from the scene. It took a long time for counter instructions to reach the colonies, and meanwhile the Spanish governors acted upon those which they had received from their former chief. In December, 1754, Sir Thomas Robinson wrote to Keene that Spanish troops had expelled the log-cutters, that the huts at the mouth of the Belize had been demolished, and that sundry ships sailing to that coast had been seized as lawful prize. Keene was ordered to demand reparations and restitution, and to insist that the *status quo* must be restored until the dispute about legality had been settled by diplomacy. These instructions put Keene in a quandary. He had always declared that the recent friendship between Spain and England was a tender plant, that it required the most careful nursing, and that the first ruffle on the other side of the Atlantic would destroy it. He ruefully replied that the Spanish government might possibly grant reparation, on the ground that the instructions sent by Ensenada were unauthorized. But restitution, which would be tantamount to an admission that the British settlers had a right to be there, ran counter to the popular "superstition" as to Spanish monopoly in the New World, and he doubted whether any minister, however well-disposed towards England, would venture on such a defiance of national sentiment. Later news made matters worse. British officials in those days had to act on their own initiative. Charles Knowles, Governor of Jamaica, as soon as he heard of events in Honduras, sent troops to restore the settlers to their huts and supplied them with an armed guard to resist any further attempt to evict them. As this involved the construction of a fort, Wall pointed out very cogently that it went a good deal farther than a mere return to the *status quo*.

Keene, a sick man who had already begged for a recall on the ground of his infirmities, found himself confronted with a very ugly situation, and Duras had a good chance of recovering all the ground he had lost. The worst of a contest of this kind, as Keene pointed out, was that France could never be defeated: it was always in her power to start afresh. And the result of the contest was more vital than ever. The Anglo-French quarrel in North America had already reached a stage when diplomacy seemed to be paralysed and war to be inevitable. Events in Spain in 1754 had helped to inspire the English ministers with the belief that they could safely call the French bluff. The result was that in 1755 they dispatched troops under Braddock to aid the colonists, while Boscawen was sent with a squadron to obstruct the passage of French reinforcements. The naval action of 10 June, when Boscawen failed to check the transports but captured two French ships, led to a rupture of diplomatic relations between the two states, though both shrank from an open declaration of war. In these circumstances Spain seemed to hold the balance in its hands. If the quarrel in the Gulf of Mexico should be pressed to its extremes, the gain to France would be immense. And Boscawen's action gave France a new lever. Duras, who had been doing all in his power to inflame Spanish hostility against England, was now instructed to contend that British aggression had created the *casus fœderis* and that Spain was bound by existing treaties to come to the assistance of France.

The situation was so critical that Keene was regarded as the only man capable of dealing with it, and the reply to his request for recall was that it was out of the question. Fortunately for him Duras was not a skilful antagonist, and his blunders enabled Keene in the autumn of 1755 to gain successes which almost equalled those of the previous year. So imperiously did Duras demand the fulfilment of treaty obligations that he exasperated Ferdinand VI, always extremely sensitive at the suggestion that Spain was a

satellite bound to accompany France. So great was his wrath that he ordered his ambassador in Paris to demand that Duras, whose wife had foolishly endeavoured to intimidate the Queen, should be recalled. The French ministers, convinced at last that their representative had failed in his mission, acceded to the demand, and Duras quitted Madrid in October without receiving the Golden Fleece, which had come to be regarded as the normal perquisite of a French ambassador.[1] Thus the final round in the three years' duel had ended in Keene's favour. Simultaneously with the departure of Duras came a still more gratifying success. Father Ravago, the Confessor who had been the ally of Ensenada, and whose influence, it had been feared, might at any moment restore that minister to power, was dismissed in October, 1755, and his successor was taken from the secular clergy. This was a slap in the face to the Jesuits, who had long directed the conscience of Spanish kings, and it was equally a blow to France, whose cause the Order was inclined to support. "The Ensenadists," said Keene, "have lost their hopes and their protector."

This second triumph of Keene proved even more illusory than the first. It is true that for the moment all idea of co-operation between France and Spain was at an end. But neither the danger nor the possibility of such co-operation had been removed and Keene speedily found himself involved in greater difficulties than ever. His own health and spirits were depressed by the news of the great earthquake which almost destroyed his beloved Lisbon, and by his anxiety about the fate of Castres and his other friends. And as France and England drifted steadily into open war, his labours and responsibilities were proportionately increased. Britain had now no representative in France, and it devolved upon Keene, as the nearest minister, to collect

[1] Keene wrote to Castres on 6 October: "M. Duras and his lady and family left this place on Saturday, . . . but tell old Gold [the Viscount Ponte de Lima] that he has not carryed the Fleece with him nor has his second son been made a Grande of Spain, tho' really both the one and the other were not lost for want of asking" (Keene Papers).

such information as he could about the doings of the adjacent state. Another pressing problem was the increased difficulty of communicating with England. It was no longer possible to send couriers through France. He might induce Spanish couriers to carry dispatches, but they could only do so at the risk of incurring from France the charge of an un-neutral favouring of Great Britain. Austrian couriers could carry letters to Brussels and forward them to Ostend, but that was slow. Lisbon had a weekly packet service to Falmouth, but that was also slow and liable to be delayed by bad weather, as happened after the earthquake, when weeks passed before direct news from Portugal reached England. The remaining route was by land to Corunna and thence by boat to Falmouth, but the boat only ran once a fortnight. Keene solved the problem by inducing the ministry at home to institute a weekly service to Corunna and to send a King's Messenger on every boat to carry dispatches to and from Madrid. This improvement in the service was the more imperative because the first news from France that Keene had to send was that an expedition was being prepared to attack Minorca, and the most direct communication with the garrison and with any naval force sent to its relief went through Spain.

The siege of Minorca and Byng's effort to relieve the island were watched by Keene with feverish excitement. It seemed to him that all his efforts in the past seven years would be doomed to failure unless Byng was successful. The inconclusive naval action (20 May), Byng's subsequent withdrawal to Gibraltar, and the surrender of the garrison of Fort St. Philip (28 June), were so many mortal blows to Keene. British prestige was already lowered by Braddock's failure and other disasters in North America. If naval superiority were also lost, the temptation to Spain to profit by our weakness would be wellnigh irresistible. France had two superlative bribes to offer. One was the immediate cession of Minorca ; the other was the promise to employ her elated and apparently invincible forces in the reduction

of Gibraltar. Nor was this all. The running sore of Campeachy Bay and Mosquito Shore was still open, and now a host of new and acrimonious squabbles were added. The outbreak of maritime war raised all the awkward questions as to the rights of neutral traders. Spain, encouraged by France, devoutly clung to the doctrine that "free ships make free goods." England put forward in reply the "rule of 1756," that no neutral could carry on trade in time of war which was not licensed in time of peace. This meant that Spanish ships carrying goods between France and French colonies were lawful prize because in normal times France rigidly maintained the monopoly of her colonial trade. England could only enforce this rule by detaining the ship and examining its cargo. Spain resented both the rule itself and still more the method of its enforcement. The right of search, as exercised by Spain, had already given rise to one Anglo-Spanish war, and now it seemed that the same right, as exercised by England, might give rise to another.

Keene's difficulties were enormously increased by his isolation. In his first three years he had been accustomed to rely upon backing from Portugal, but since the advent of Carvalho, whom he disliked and distrusted, this was no longer forthcoming.[1] There was incessant friction at Lisbon about the privileges of the Lisbon Factory, and Castres, endeavouring to act as mediator, found himself denounced by both sides and in danger of a penal recall. The Portuguese Queen Dowager's death in 1754 had weakened the ties between Lisbon and Madrid, and Queen Barbara had no great hold upon her brother, who paid little attention to her letters. But the desertion of Portugal was a trifling matter compared with the alienation of Austria. It is not easy to comprehend

[1] Keene's letters to Castres are full of expressions of his enmity to Carvalho, whose elevation to office he had desired to prevent. To Robinson he wrote on 17 October, 1755: "I believe Carvalho would be an arrant Frenchman if he dared, and he would dare if he saw any bent that way in his Master" (S.P., Spain, 149). After the earthquake, however, Keene expressed warm admiration of Carvalho's labours for the recovery of Portugal.

what a staggering blow to Keene and to many others of his generation was the complete breakdown of the "old system" in 1756. Like most Whigs he regarded it as an integral part of the natural structure of Europe. Much as he had regretted and resented the cantankerousness of Bartenstein, he was confident that instinctive hostility to France, especially after Bartenstein's dismissal, would bring Austria back to her alliance with the Maritime Powers. He welcomed the Treaty of Westminster with Prussia in January, 1756, because it weakened France, but, although he foresaw some resentment at Vienna, he never believed that it would carry that court so far as to conclude the Treaty of Versailles on 1 May, 1756. This at once altered the whole situation at Madrid. In all his recent diplomacy Keene had assumed as a matter of course that Austria was in favour of the severance of Spain from France. This had led him to promote with such energy the Treaty of Aranjuez. Since then he had found in Migazzi a congenial and trusted colleague. Huescar, in opposing France, had been regarded as a pro-Austrian. One of the obvious appeals to Queen Barbara had been to her affection and admiration for her cousin, Maria Theresa. Suddenly in 1756 all this was changed. Migazzi was recalled from Madrid, and his successor, Count Rosenberg, was instructed to urge Spain to accede to the Treaty of Versailles. Maria Theresa wrote personal letters to the Spanish Queen imploring her to join in the defence of Roman Catholicism. This was the disastrous result of the Anglo-Prussian alliance, and the one obvious benefit that remained, the avoidance of a war in Germany, was removed when Frederick of Prussia, in defiance of English remonstrances, invaded Saxony in August, 1756. Incidentally, the action of Prussia destroyed the last hope of inducing Russia to carry out the treaty with England which Hanbury Williams had concluded in 1755. At the close of the year it was learned that Russia had actually acceded to the Treaty of Versailles.

In view of the disasters of 1756, which shook the credit

of the British ministry, in spite of their efforts to make Byng the scapegoat for the loss of Minorca, it was more necessary than ever to conciliate Spain. A junction of the naval force of Spain with that of France would create an impossible situation both in America, where we had lost Oswego, and in the Mediterranean. So Keene, who had had another serious illness in September, had to resign all hope of immediate retirement, and ministers sought to console him by granting him a pension on the Irish establishment. They also followed his advice to avoid all measures which would increase Spanish irritation. Knowles, who had restored the log-cutters, was removed from Jamaica and Shirley was summoned from Virginia to take his place. When Spain contended that the treaty of 1667 conferred special privileges upon Spanish ships, the British ministers, after disputing the Spanish interpretation of the treaty, ended by giving way. These concessions, Keene reported, gave great pleasure at Madrid, but their inevitable result was to make Spain more exacting. Wall and his colleagues were fully aware of the commanding position occupied by Spain, and would have been deemed unpatriotic if they had failed to take advantage of it.[1]

Before any new disputes could arise Newcastle's tottering ministry fell in October, 1756. Keene was now so inured to shocks that he received with equanimity the news of the downfall of the man who had been the avowed patron of both himself and his brother, and with whom he had carried on a confidential correspondence for so many years. The only minister whom he ostensibly regretted was Henry Fox, the man who had scuttled the ministerial ship. There can be no doubt that Keene's relations with Newcastle had cooled in the last few years. The delay in the grant of the coveted red ribbon and in making pecuniary provision for his retirement had obviously rankled, and the doses of eulogy with which the Duke had sought to palliate the delay had

[1] Holderness wrote to Andrew Mitchell on 9 July, 1756: "Spain is now become the arbiter of all the southern courts."

irritated rather than appeased the recipient. Newcastle, who thought that everybody was as greedy of flattery as he was himself, would have been furious if he had known that Keene had described one of his most soothing epistles as "whipped syllabub." The chief result of the ministerial change to Keene was that it placed him under the direction of William Pitt, the new Southern Secretary, whom he remembered in past years as the remorseless opponent of the ministers whom he himself had then supported.

The year 1757 opened badly for Keene with two serious maritime disputes. Sir Edward Hawke, Byng's successor in the Mediterranean command, recaptured under the guns of a Spanish fort a brigantine which had been taken by the French. The Spaniards declared, though Hawke denied it, that he had landed an armed force on Spanish soil. Wall's anger was increased when he learned that Hawke on his return to England had been graciously received by George II. In a passionate interview with Keene he went so far as to utter the threat which had hitherto been latent. "We have no troops," he declared, "and may not be in a state to cause terror, but we have friends who will be glad to embrace us; and whether we are to be ruined by their friendship or by their superior force, it will still be more honourable for us than to sit down tamely and without satisfaction for the hostile attack that has been made by the Admiral upon Spanish territory." When Keene tried to pacify him by talking about the tender plant of Anglo-Spanish friendship that they had both been nursing so carefully, the irate minister replied that he had no longer any use for it.[1] The threat would have terrified Newcastle, and even Pitt found it sufficiently convincing. Keene was authorized to declare that Hawke's action was disavowed and that the recaptured ship would be surrendered.

The second quarrel was far more serious, because this time Spain was the aggressor, and public opinion in England

[1] Keene reported this conversation to Pitt in a "most secret and confidential" dispatch on 28 February, 1757 (S.P., Spain, 154).

was so inflamed that no ministry could venture to give way. In January, 1757, a British privateer, the *Anti-Gallican*, captured a French ship, the *Duc de Penthièvre*, off Corunna. The captain of the privateer proposed to carry his prize to Gibraltar, but was unfortunately compelled by stress of weather to put into harbour at Cadiz. There the two ships remained unmolested for a month. During this interval the French produced or manufactured evidence to prove that the capture had taken place within Spanish waters. Suddenly and without any notice the Governor of Cadiz, acting under instructions from Madrid, sent troops to seize both ships. The British Factory at Cadiz forwarded to Pitt a strongly worded protest against so flagrant a breach of the law of nations and such a demonstration of partiality by a neutral state. Keene was instructed to make the most vigorous remonstrances to Wall and to demand the restitution of the confiscated vessels. In spite of all his efforts, a specially constituted court decreed not only that the *Duc de Penthièvre* should be handed over to France but that the *Anti-Gallican* should be also ceded as compensation.

Keene was in despair at the apparent ruin of all his labours. Wall seemed to be completely estranged. The Duke of Alva, on whose backing Keene had hitherto relied, absented himself from the Court and would have nothing to do with politics. Arriaga pressed the old grievances about Campeachy Bay and the Mosquito Shore. But the worst of the ministers was Eslava, the " old dotard " as Keene called him, in whom " the spirit of Ensenadism " seemed to revive. Eslava clamoured for war in alliance with France, and for a moment Keene feared that he might gain the support of the Queen. If France had been ably represented at Madrid at this time, there was every prospect of a renewal of the Family Compact. Fortunately for Keene Bernis, who was to have succeeded Duras, was detained in France to carry on the negotiations with Starhemberg which transformed the defensive treaty of 1756 into the aggressive treaty of 1757. For eighteen months France was only

represented by a Chargé d'affaires. The Marquis d'Aubeterre, who came instead of Bernis in April, 1757, was insufficiently familiar with the Spanish Court to take full advantage of the favouring conditions. Although the tender plant of Spanish friendship had withered, Keene was able to resist the war party and to induce Spain to retain its neutrality and its independence.

The quarrel about the *Anti-Gallican* was Keene's death-warrant. The constant agitation and worry were too much for a constitution already seriously weakened. On 28 April he wrote to implore Pitt that he might be released from duties which he was no longer able to fulfil. The next day he learned that Pitt was out of office and that Holderness had taken both departments during a ministerial interregnum. All that Holderness could do was to send him an accredited Secretary of Embassy in the person of Ruvigny de Cosne, who had held the same post in Paris until the rupture with France. The arrival of de Cosne in July gave Keene a sorely needed holiday. A temporary recovery enabled him to return to work in September just in time to receive Pitt's famous dispatch of 23 August. Pitt was now firmly in the saddle as the result of his coalition with Newcastle, and this dispatch shows how deeply England felt the loss of Minorca, and also how much value was attached to an understanding with Spain. In return for a Spanish alliance and for Spanish assistance in the recovery of Minorca, Keene was to offer the exchange of Gibraltar for the recovered island and the complete surrender of all British claims in Campeachy Bay and Mosquito Shore.

Keene was well aware that there was no hope that this offer would be accepted. A few years earlier Spain might have been tempted by some similar overture. But nothing was likely to induce her to enter the vortex of an apparently sinking ship. British naval power was discredited, and the result of the continental warfare seemed likely to be equally adverse. The army with which Cumberland attempted to defend Hanover was driven from one position to another and

finally forced to capitulate at Klosterzeven. Frederick of Prussia, Britain's one ally, was completely defeated at Kolin. It would have been difficult at any time to induce the pacific and timid Ferdinand VI to risk a war with France: it was wholly out of the question at a moment when France was at the head of a coalition which included Austria and Russia, and when French arms were everywhere triumphant. Keene, however, rallied the last remnants of his strength to carry out his instructions, and on 26 September he penned the last and not the least masterly of his long series of able dispatches.[1] The gist of it was that Wall would have nothing to do with any scheme that involved hostility to France, and that he would not even communicate the proposal to the Spanish King. No other minister had either the will or the power to do what Wall refused to undertake. The dispatch ended with a pathetic appeal to be relieved of a post for which the writer was no longer capable.

This dispatch at last extorted from Pitt the long-desired permission to retire, and on 29 November Keene attached a wavering signature to a grateful reply, in which he said that he would wait to pay his court to Queen Barbara on her birthday, that he would then travel to Lisbon, where he hoped to find a man-of-war, and that on arrival in England he hoped to express his gratitude in person. It was a futile hope. Successive letters from de Cosne to Pitt recorded the progress of the malady, and on 15 December the Ambassador died. His body and his papers were transported to England, and he was buried in St. Nicholas' Church at his birthplace, King's Lynn. It is tragic that he died at a moment when the prospects of his country must have seemed at their blackest, and that he did not live to see the triumphs of the next three years. Even the first gleam of brightness, the news of the Prussian victory at

[1] Pitt's dispatch of 23 August and Keene's reply of 26 September are in S.P., Spain, 151. They are both printed in the first volume of the *Chatham Correspondence*.

Rossbach, which Pitt had sent to him in a jubilant postscript, arrived at Madrid a day too late.

It is extremely difficult to assess the merits or the success of a diplomatist. His work is almost necessarily ephemeral, and he has very imperfect control of the material with which he has to deal. In Keene's case the material was in many ways hard and difficult to manipulate. The commercial, maritime, and colonial quarrels between Englishmen and Spaniards made harmonious relations between the two Courts almost impossible. In his first mission to Spain he failed to establish such relations, and his efforts to do so only exposed him to a storm of unpopularity which might have ruined the career of a less able or a more timid man. But during his second embassy his services were admitted on all hands to be both invaluable and indispensable. Such success as he achieved, and for a time he was startlingly successful, were due in the main to his own personality. He belongs to that small band of diplomatists who became a real force in the country to which they were accredited. English history may know little of him, but he is a not inconsiderable figure in the history of Spain. His familiarity with the Spanish tongue and Spanish manners, his imposing presence, his even temper, and his frank sociability, made him a *persona gratissima* at the Court, and his memory was long cherished at Madrid.[1] He refused to be hustled by Newcastle's fussiness, and Spaniards, as Wall pointed out

[1] It is worth while to quote a French estimate of Keene. "Ce ministre joignoit à beaucoup d'esprit et d'expérience dans le maniement des affaires, une adresse et un art d'autant plus efficaces qu'il les couvroit souvent du voile d'une simplicité qui paroissoit naturelle, et d'une franchise apparente, qui alloit même quelquefois jusqu' à lui faire blâmer les opérations, tant militaires que politiques, de sa cour. Sa longue résidence en Espagne lui avoit appris à connoître la nation espagnole, à laquelle il avoit su se rendre fort agréable. Ou prétendoit qu'il répandoit beaucoup d'argent à Madrid, soit dans les différens bureaux de l'administration, soit parmi les personnes les plus accréditées, mais c'étoit sur quoi l'on ne pouvoit que former des conjectures" (*Recueil des Instructions, Espagne*, III, p. 333). Duras reported that between May, 1753, and January, 1755, Keene distributed some £200,000 sterling in Spain (*ibid.*, p. 309). This was the wildest of conjectures, and was accepted as such at Versailles.

to the British ministers, have an invincible objection to be hurried. No other foreign minister could have ventured to intrude into the realm of domestic affairs so boldly and so efficiently as Keene did on several occasions. It is true that disappointment often followed close on the heels of apparent triumph, and that he had moments of despondency, especially in the last months of his life. But he can fairly claim credit for the one diplomatic success attained during Newcastle's ascendancy in the Foreign Office. Newcastle's primary aim, the maintenance of the alliance with Austria and the Dutch Republic, ended in complete and humiliating failure. His attempt to secure the support of Russia was equally unsuccessful. But his effort to detach Spain from its dependent alliance with France was in the main successful. If it had failed, the disasters at the outbreak of the Seven Years' War might have been irreparable. It was a supreme gain to England that in the critical years 1756 and 1757, in spite of friction with England and temptations from France, Spain remained an autonomous and a neutral state. One of England's bugbears in the eighteenth century was the Family Compact, and during the reign of Ferdinand VI that Compact was virtually annulled. Even when Ferdinand died and Don Carlos succeeded as Charles III, two years elapsed before the close alliance of the Bourbon branches was renewed, and by that time the alliance had become comparatively harmless. This invaluable suspension of the Family Compact was mainly due, as Newcastle himself admitted, to Benjamin Keene.

WILLIAM OF ELY, THE KING'S TREASURER (? 1195–1215)

By H. G. Richardson, M.A., B.Sc., F.R.Hist.S.

Read 14 *January*, 1932.

The importance of the reign of king John in the history of English financial administration is now recognized.[1] In part this is due to the relative abundance of official records. For the twelfth century yields little beyond scattered charters and the series of pipe rolls, while the principal series of chancery enrolments begin under John, and for his reign too we possess, although not in continuous series, exchequer enrolments the like of which have not survived from earlier reigns. Of necessity, therefore, much of our detailed knowledge of early financial administration must be based upon what we can learn from this period. And then again, by the time John came to the throne, the exchequer system, as it had been devised and developed by the administrators of the twelfth century, quite obviously required adjustment to deal with the growing mass and complexity of financial transactions.[2]

There is no doubt that, although many of the king's ministers may have had some share in developing the exchequer system, bishop Nigel of Ely had taken the chief responsibility until stricken with paralysis in 1166: and his son Richard of Ely may be credited at least with keeping the machine

[1] See H. Jenkinson, "Financial Records of the Reign of King John" in *Magna Carta Commemoration Essays*, pp. 244 ff.; Miss M. H. Mills, "Experiments in Exchequer Procedure (1200–1232)" in *Trans. R. Hist. Soc.*, Fourth Series, VIII. 151 ff.; F. M. Powicke in *Cambridge Medieval History*, VI. 225 ff.

[2] Cf. Jenkinson, *op. cit.*, pp. 268 ff.; Mills, *op. cit.*, pp. 153 ff.

running and supervising the detailed working of the exchequer for most of the remainder of the century. About these two treasurers much has been written : of Nigel, the treasurer of Henry I and Stephen,[1] because of the considerable part he played in the history of three reigns ; of Richard, the treasurer of Henry II and Richard I, because he composed a treatise on exchequer practice, remarkable among the remarkable books of the twelfth century. But of the third notable treasurer of England, William of Ely, very little indeed has been said by any historian. He has been supposed, quite erroneously, to have held office until his death under Henry III, and even then the year of his death has been wrongly given.[2] He has been confused with William of Longchamp, bishop of Ely, the chancellor of Richard I.[3] He is not so much as mentioned by those who have written upon national finance in John's reign, although it was presumably upon him that the actual

[1] The evidence has been examined by Dr. T. F. Tout (*Chapters in Mediæval Administrative History*, I. 86–8) and again by Mr. G. H. White (*Trans. R. Hist. Soc.*, Fourth Series, VIII. 64–72). The former is dubious whether Nigel ever held the office of treasurer, while the latter concludes that he was treasurer for the first time under Stephen. The concurrence, however, of the *Dialogus de Scaccario*, the *Red Book of the Exchequer*, the *Historia Eliensis* and the Cluny charter of 1131 seems conclusive for Nigel's treasurership in the latter part of Henry I's reign, especially if it is admitted (*a*) that the Pipe Roll of 1130 is evidence of expert clerical supervision over the exchequer and (*b*) that the *Constitutio Domus Regis* is evidence of " a single dignified official treasurer."

[2] According to Newcourt (*Repertorium*, I. 130) and Le Neve (*Fasti* (ed. Hardy), II. 371), William of Ely died in 1223. Newcourt further states that he held the office of treasurer until his death. Both these statements are accepted by Hale (*Domesday of St. Paul's*, p. lxii.) and by Stubbs (R. de Diceto, *Opera*, I. lxxxv.). But the sole authority for William of Ely's death is Matthew Paris (*Chron. Maj.*, III. 74), who notes it *sub anno* 1222 (followed in *Flores Historiarum*, II. 175) : here he is called *thesaurarius Anglie*, but this does not imply that Matthew Paris believed him to have died in office. A glance at the list appended to Madox's *History of the Exchequer* would in any case have shown that another treasurer was in office early in Henry III's reign. It had been indicated also by John Philipot (*A Catalogue of the Lord Treasurers of England* (1636), pp. 5 f.) that he had ceased to hold office before his death.

[3] Stubbs, *Constitutional History* (VI ed.), I. 468, 680, citing preface to Red Book of the Exchequer ; E. H. Pearce, *Monks of Westminster*, p. 46. Cf. H. Hall, *Red Book of the Exchequer*, I. xxv n.

responsibility rested for administering the exchequer and for devising expedients for meeting the growing burden of business and its consequent difficulties.

William of Ely was certainly the kinsman of Richard of Ely.[1] It has been suggested that he should be identified with William the Englishman, Richard's brother [2]; but this identification must, however, be rejected.[3] Still William of Ely's fortunes were closely bound up with those of Richard of Ely. He appears as a witness to a deed of Richard's while the latter was a canon of St. Paul's,[4] and after Richard's elevation to the see of London he is to be frequently found as a witness to the bishop's official acts, signing at first without any distinguishing title [5] or as one of the bishop's clerks,[6] then as a canon of St. Paul's,[7] and finally as the king's treasurer.[8] It was perhaps on the occasion of William's appointment as treasurer that Richard gave him the houses he possessed at Westminster which occupied part

[1] The authority is the deed of gift of Richard of Ely, printed below, Appendix I.

[2] H. Hall, *Red Book of the Exchequer*, I. xxv. The only document known hitherto in which he is mentioned appears to be that cited by Madox (*op. cit.*, I. 215 n (*d*)) from Matthew Hutton's extracts from St. Paul's Liber B., which, except for a fragment in the Bodleian (printed by Hale, *Domesday of St. Paul's*, pp. 109 ff.), has now disappeared. Hutton's extracts will be found in Harl. MS. 6956, the document in question being at fo. 84.

[3] "Willelmus Anglicus frater Thesaurarii" of this document must, I think, be identified with *Willelmus Anglicus* of the exchequer, a contemporary of William of Ely; see Appendix VI.

[4] St. Paul's MS. A. 34/806.

[5] Westminster Abbey Domesday, fo. 603*b*, 617*b*.

[6] Harleian charter 83. C. 21 (printed *Monasticon*, IV. 86, no. 26); Historical Manuscripts Commission, *Report on Various Collections*, VII. 29 (three instances); *Cartularium Monasterii S. Iohannis Baptiste in Colecestria* (Roxburghe Club), p. 88.

[7] St. Paul's MS. W.D. 4 (Liber L.), fo. 57; Westminster Abbey MS. no. 16738; Cotton MS. Nero C. III, fo. 201; Cotton charter xiii. 18, no. 7. Cf. St. Paul's MS. A. 19/226 (date 1193–4) which is witnessed by bishop Richard and master Alard and William of Ely, canons of St. Paul's.

[8] Historical Manuscripts Commission, *Report on Various Collections*, VII. 29; Round, *Calendar Documents France*, p. 428; St. Paul's MSS. A. 30/440, A. 40/1432, A. 41/1468 (printed Newcourt, *Repertorium*, II. 231 n.); Ely Cathedral Register M., fo. 159; Harleian MS. no. 3697, fo. 39; *Cartularium Monasterii S. Iohannis Baptiste in Colecestria*, pp. 86, 90.

of the site later known as Whitehall,[1] and were obviously convenient as the residence of an official who needed to be in constant attendance at the exchequer. The grant is dated in the seventh year of Richard's pontificate and cannot therefore be later than the end of 1196 and may be as early as the last months of 1195.[2] It would appear, however, from another deed which, by comparison of the witnesses, we must place earlier, that William of Ely was already treasurer some little time at least before the grant was executed.[3] It is not impossible that he was the treasurer to whom the first true foot of a fine was delivered when the system of the tripartite chirograph was brought into use on 15 July, 1195[4]: but the first certain mention of William of Ely the treasurer in an official connexion is on 20 August, 1197, when he supervises the entering on the great roll of the exchequer of a fine levied a week previously.[5]

His close association with Richard of Ely, as well as his appointment as treasurer to succeed him, makes it probable that William of Ely was employed in the exchequer in his earlier years.[6] Alexander Swereford, who seems himself to have begun to serve in the exchequer about the turn of the century,[7] found William "vir valde peritus in negociis

[1] H. F. Westlake, *Westminster*, pp. 18 f.; London County Council, *Survey of London*, XIII. 3: there are some mistakes in detail here.

[2] Printed below, Appendix I.

[3] St. Paul's MSS. A. 30/440. This is witnessed by William of Ely, treasurer of king Richard, and master Alard, canons of St. Paul's. In the deed of gift Alard signs as archdeacon of London.

[4] *Feet of Fines of Henry II and Richard I* (Pipe Roll Soc.), p. 21. The "Barones domini Regis" who made the order governing the procedure to be adopted certainly included bishop Richard of London (p. 20): but, if we construe strictly the note which records the order and the placing in the treasury of the first foot of a fine written under the new procedure, we ought probably to conclude that the treasurer to whom the document was handed over was not one of these barons. The treasurer's name is not given, and it is not perhaps beyond dispute that the writer of the note meant to exclude the treasurer from the "baronibus inscriptis."

[5] Below, Appendix III.

[6] As others of the bishop's clerks and chaplains were probably employed; below, p. 62.

[7] *Red Book of the Exchequer*, pp. xxxviii f.: but some of the identifications here are uncertain.

Scaccarii,"[1] and the business of the exchequer was not speedily mastered. There is indeed reason to suppose that William of Ely was already serving there under Henry II.[2] But of William's early official career, whether under Richard I or Henry II, we have no details. Until the accession of John he probably owed his entire fortune to his kinsman whose memory he cherished all his life[3]: certainly it was not until John's reign that he began to receive any special favours from the king.

At Midsummer 1199, he had the grant of the manors of Essendon and Bayford, previously held by Richard of Ely, and received the revenues back to Michaelmas and probably to Midsummer 1198. I have myself suggested that the pipe roll entries regarding these manors might be used to date the close of Richard of Ely's term of office and the beginning of William of Ely's treasurership.[4] In view, however, of the evidence of William's occupation of the office at least as early as 1196 this is clearly impossible, and it may be well to explain the actual relation of the manors to the office. Presumably it was in recognition of his services and therefore as a kind of personal salary that Richard was granted the manors in 1177.[5] For their regrant by Richard I after his return from Germany, Richard of Ely, now the bishop of a wealthy see, had to pay a hundred marks[6]: he seems certainly to have retained the manors after he had ceased to be treasurer, although he is given that title in the relevant entries in the pipe rolls until 1198[7]—a fresh example perhaps of the careless recopying of previous rolls,

[1] *Red Book of the Exchequer*, p. 4.

[2] This seems to be a legitimate deduction from the terms of his grant to Westminster Abbey (Appendix VIII); he would hardly have mentioned Henry II specifically if he had not been in his service.

[3] As shown by this same grant.

[4] *English Historical Review*, XLIII. 162.

[5] *Pipe Roll* 23 *Hen. II*, p. 144.

[6] *Ibid.*, 6 *Ric. I*, p. 36.

[7] Pipe Roll no. 44, m. 9; *English Historical Review*, XLIII. 162 n. Although I am not myself prepared to do so, it might be argued that the evidence points to the existence of two treasurers during the latter years of Richard I's reign.

but more astounding than most. William of Ely, who received the manors after Richard of Ely's death, relinquished them at Easter 1210,[1] although he continued to hold office as treasurer.[2] They then passed into the custody first of John fitz Hugh [3] and afterwards of John of Bassingbourn who is found accounting for them before they are lost to sight in the *tempus guerrae*.[4] When next they are mentioned in the pipe roll the manors are in the hands of Faukes de Bréauté,[5] nor do they seem ever to have come into the possession of later treasurers. In 1230, for example, they were granted to John de Burgh, keeper of Hertford castle, "ad se sustendandum in seruicio regis quamdiu regi placuerit" [6]: and although this may have been the reason for the original grant to Richard of Ely and for the grant to William of Ely, we cannot assume that any fresh grant of the manors was connected with a change in the treasurership.[7]

Having received the grant of Essendon and Bayford, William of Ely next obtained from the king on 20 April, 1200, the confirmation of bishop Richard's gift of his houses at Westminster.[8] In the following year, apparently, Geoffrey archbishop of York made him archdeacon of Cleveland. The right to present to this office had recently

[1] Pipe Roll no. 56 (12 John), m. 18.

[2] Below, p. 51.

[3] Pipe Roll no. 56 (12 John), m. 18 and 18*d*.

[4] *Rotuli Litterarum Clausarum*, I. 193; Pipe Roll no. 60 (16 John), m. 1. No information is supplied by the roll for 17 John.

[5] Pipe Roll no. 62 (2 Hen. III), m. 7. Faukes seems to have become possessed of them irregularly, see K.R. *Memoranda Roll* 3 *Hen. III*, p. 475: I cite the edition printed by C. P. Cooper in the *Proceedings of H.M. Commissioners on Public Records, June 1832–August 1833*, pp. 287–97, 382–92, 455–80. The present reference to the original roll is E. 159/2.

[6] *Pipe Roll* 14 *Hen. III* (Pipe Roll Soc.), pp. 142 f. Subsequently the men of Essendon and Bayford held the manors at ferm for a time, see *Pipe Roll* 26 *Hen.* III (ed. H. L. Cannon), p. 232. Cf. *V. C. H. Hertford*, III. 420.

[7] Hence the regrant to Richard of Ely in 1195 can hardly be used as evidence of the date when he ceased to hold office as treasurer, as suggested by Mrs. Stenton in her introduction to *Pipe Roll* 6 *Ric. I*, pp. xxv f.

[8] *Rotuli Chartarum*, p. 49.

been the subject of a hot dispute between the archbishop and the dean and chapter of York who had refused to admit the archbishop's previous nominee,[1] and William evidently had at first considerable difficulty in entering upon the office and obtaining its emoluments. The archbishop found it necessary to address Geoffrey fitz Peter, the justiciar, stating that he had excommunicated certain persons who were striving to occupy the archdeaconry and asking for the aid of the secular arm.[2] The king's writs finally prevailed, but as late as December 1204 it was thought necessary to send to the clergy of the archdeaconry a reminder of the duty of obedience.[3] In 1207, during the voidance of the see of Lincoln, the king presented his treasurer to the wealthy prebend of Leighton Buzzard,[4] and to this he added in November 1208 the grant of an annual fair and a weekly market at Leighton.[5] It was possibly in consideration of these emoluments, which must have made William of Ely a well-to-do man, that he relinquished at Easter 1210 the manors of Essendon and Bayford.

We may note in passing that the treasurer, in common with other prominent clerks employed at the exchequer, made his peace with the king on the proclamation of the great interdict and was allowed to retain his property and revenues.[6] All the evidence points to the continued loyalty at this period of the king's ministers, and if mention is made of the stupid fable retailed by Roger of Wendover of the attempt made by Geoffrey archdeacon of Norwich to corrupt

[1] R. de Houeden, *Chronica*, IV. 159, *s.a.* 1201.

[2] *Rotulus Cancellarii, 3 John*, pp. 14 f. (also on Pipe Roll (no. 47), m. 16*d*). There is here perhaps a reference to the nominee of the dean and chapter, Hugh Murdrac, who had apparently been excommunicated before the office was offered to William of Ely (Howden, *loc. cit.*). This incident appears to have been overlooked by the biographers of archbishop Geoffrey.

[3] *Rotuli Litterarum Patentium*, I. 48.

[4] *Ibid.*, 73*b*. For the value of the prebend see *Taxatio Ecclesiastica P. Nicholai*, p. 53*a*; *V. C. H.* Bedford, III. 408.

[5] *Rotuli Chartarum*, p. 183*b*.

[6] *Rot. Litt. Claus.*, I. 112. Here, as elsewhere (*Rot. Litt. Pat.*, p. 36; Westminster Abbey MS. no. 17315), he is termed Willelmus Thesaurarius Lond[oniensis].

his colleagues at the exchequer, of his withdrawal and of his subsequent murder by the king, it is because so monstrous a story has been credited even in recent years.[1] The archdeacon was in fact a brother of the ever faithful Hubert de Burgh[2]: a king's clerk, he was rewarded by John himself with the archdeaconry in 1200,[3] and he lived to be further rewarded with the see of Ely in 1225.[4]

Throughout, William of Ely appears to have devoted himself zealously to the duties of his office, which were doubtless increasingly onerous. He sat rarely in the *curia regis* and was rarely in attendance upon the king,[5] in marked contrast to his predecessor, who, during the latter part of his career, and certainly under Richard I, had been constantly engaged in judicial work,[6] and seems, whenever

[1] Wendover, *Flores Historiarum*, III. 229; G. B. Adams, *Political History*, II. 414; K. Norgate, *John Lackland*, p. 136; Ramsay, *Angevin Empire*, p. 434. Other chroniclers allege that a Geoffrey of Norwich was concerned in the conspiracy of 1212 and died in prison: this story doubtless derives from the same source as Wendover's tale (cf. R. de Coggeshall, *Chronicon*, p. 165; *Annales Monastici*, III. 34). There seems nothing to connect this man with the exchequer officer who served as justice of the Jews and who witnessed a charter of John's on 4 June, 1212 (*Rot. Litt. Pat.*, p. 38; *Rot. Litt. Claus.*, I. 20*b*, 36*b*, 76, 89, 103*b*, 112*b*; *Rot. de Oblatis*, p. 425; Cole *Documents*, p. 317; *Rot. Chartarum*, p. 187).

[2] *Complete Peerage* (1929), VII. 133 n.

[3] *Rot. Chartarum*, p. 74*b*.

[4] *Rot. Litt. Claus.*, II. 42*b*; *Historia Eliensis* in *Anglia Sacra*, I. 635.

[5] Hunter was unable to find him mentioned as a member of the court in any fine levied before 10 John (*Fines 1195–1214* (Record Commission), I. lxv.). If, however, an imperfect transcript of a fine in a Chertsey cartulary can be trusted, he was among the barons of the exchequer before whom a fine was levied at Westminster *ad Skaccarium* in 4 John (*Chertsey Abbey Chartularies* (Surrey Record Soc.), p. 112). He appears on a still earlier occasion among the justices and barons who witness an agreement between Richard Basset and Laund Priory which, by comparison with a fine between the same parties, must, it would seem, have been executed at the Easter exchequer of 1201 (Sloane Charter XXXI. 4 (1), (2)). He is found as a witness to John's charters four times between April and November 1212 (*Rotuli Chartarum*, pp. 187, 189), but I can trace no earlier instance.

[6] The surviving fines of Henry II suggest that Richard of Ely sat regularly in the *curia regis* in the latter part of that reign: *English Historical Review*, XII. 300 (*c.* 1170); Harl. MS. no. 3697, fo. 132*b* (6 November, 1180); Hist. MSS. Commission, *Report on MSS. of Duke of Rutland*, IV. 22 (10 October, 1181); *Feet of Fines Henry II and Richard I* (Pipe Roll

opportunity offered, to have attended the king.[1] Any account therefcre of William of Ely's career must be very largely the history of national finance under Richard I and John, and cannot in any case be written in detail until more financial records of the period are put into print. We may, however, fairly assume that the responsibility fell upon him for improving exchequer procedure and for devising expedients for dealing with the growing volume of exchequer business. It is to him that we must attribute the introduction of the convenient practice of stating the amount of the ferm due at the head of each separate account in the pipe roll [2] He presumably was responsible for draw-

Soc.), pp. 1–3 (1182–9); Cotton, Ch. ii. 3 (*British Museum Facsimiles*, no. 63) (1 May, 1182); Farrer, *Early Yorkshire Charters*, II. 494 (16 October, 1182); Douglas, *Feudal Documents from Bury St. Edmunds*, pp. 185–8 (1182–5, 27 April, 1186, 5 November, 1188); Westminster Abbey Domesday, fo. 479 (23 April, 1183); Galba E. ii., fo. 71*b* (27 October, 1184, 23 and 30 October, 1188); Madox, *Formulare*, p. 217, no. ccclviii. (31 May, 1185); *Cartulary of St. Frideswide's* (Oxford Hist. Soc.), II. 156 (27 January, 1188). See also Faustina B. ii., fo. 33*b*, for an agreement executed in the king's court recording the presence of Richard the treasurer among the justices at Westminster (1175–88): for a similar reference, dated at the Easter exchequer 1181, see *Report on MSS. of Duke of Rutland*, IV. 6; for one of 1186–9, "apud Westmonasterium coram iusticiariis regis et baronibus scaccarii," see Add. MS. 28024, fo. 39; and for another of about the same date, see Wolley, Ch. i. 46 B. That he was sitting continuously in the *curia regis* at Westminster from 1190 onwards is clear from the printed feet of fines (*op. cit.*, pp. 4 ff.); see also P.R.O., Ancient Deeds, L.S., no. 50, a grant made "in festo apostolorum Philippi et Iacobi in curia Domini Regis apud Westmonasterium anno Regni Regis Ricardi tercio."

[1] The following charters of Richard I show that bishop Richard was with the king in September, October and November 1189 and January and March 1190: *Cal. Charter Rolls*, I. 184, 324, II. 66, 328, III. 56, IV. 146, 266, V. 195, 434; *Cal. Documents France*, p. 385; *Monasticon*, IV. 365; Cotton. MS., Faustina A vii., fo. 81*b*, 82; Harleian charter 43 c. 29; Additional charter no. 16353. He was again with the king in April 1194: *Cal. Charter Rolls*, IV. 111, V. 445; *Foedera*, I. 63; *Munimenta Gildhallae Lond.* (Rolls Series), II. 249. Practically no other opportunities presented themselves which would have permitted bishop Richard to be in attendance upon the king.

[2] According to Swereford this change was made in the roll of 8 Richard I (*Red Book of the Exchequer*, p. 659). The pipe roll for this year has not survived, but there is no change in the chancellor's roll. The pipe roll of 9 Richard I does, however, contain a statement of the ferm of each county at the head of each account: see Mrs. Stenton's Introduction to the

ing up at the Easter exchequer of 1201 the "consuetudines scaccarii Lundoniensis super debitis domini regis inquirendis," the object of which was to facilitate the recovery of debts for which stewards accounted at the exchequer in place of their lords and to secure that they should be men of substance.[1] To him too must be given credit for introducing the *tallia dividenda* in an endeavour to economize labour in accounting.[2] It may be to him that we owe the series of feet of fines which began to be preserved systematically in July 1195.[3] We may note, as witnessing also to the methodical ways of the exchequer under his administration, the still surviving rolls relating to the fiscal inquiries made in 1212, each neatly docketed with the date of its receipt by William the treasurer.[4] And Alexander Swereford's statement that William of Ely set him the task of digesting the returns of knights' fees made under Henry II—the *cartae* of 1166 [5]—is evidence also of the treasurer's concern with the detailed administration of his department.

We may note also that the rolls of the *curia regis* begin at this time to give us details of the relations of the treasurer with the king's justices. Thus a suitor *coram rege* calls the "rolls of the great exchequer" to warrant that certain lands had been taken into the king's hand: the treasurer is asked to verify this but fails to find any corresponding entry.[6] In a case before the justices of the bench one of the parties had made default and his land had been seized into the king's hand: the treasurer and his fellows notify the justices that he had asked for his land to be restored, a preliminary to the

printed roll, p. xxv. Swereford gives an impossible reason for the change, which he says he heard from William of Ely himself: cf. Poole, *Exchequer in the Twelfth Century*, p. 130.

[1] Houeden, *Chronica*, IV. 152.

[2] Mills, *op. cit.*, p. 156.

[3] Above, p. 48.

[4] Maxwell-Lyte, *Book of Fees*, pp. 70, 73, 78, etc. Cf. *Red Book of the Exchequer*, II. 469.

[5] *Red Book of the Exchequer*, I. 5.

[6] *Curia Regis Rolls*, II. 299 (Trinity term 1203): there is no question that the original reads "rotulos magni scaccarii."

appointment of a fresh day for hearing the action.[1] In another case before the justices of the bench the treasurer supplies a transcript of a fine from the files—as yet but a scanty collection—that had accumulated in the treasury.[2] Even if such details as these are in harmony with all we should otherwise conjecture of the inter-relation of the several divisions of the king's court, they are indispensable for tracing with certainty the development of the administrative expedients which were multiplying rapidly towards the close of the twelfth century and produced the highly organized system of the thirteenth century.

The official career of William of Ely was brought to an untimely close during the civil war of 1215–17. The Easter proffer seems certainly to have been made, at any rate in large part, in 1215[3]; but the hostile operations which preceded the issue of the great charter doubtless caused the session of the exchequer to be suspended. Soon after the formal reconciliation of the king and his opponents, the exchequer appears to have re-opened and up to the middle of August instructions to the barons of the exchequer are fairly numerous,[4] but after 3 September[5] they definitely cease. The last writ addressed by name to William of Ely the treasurer was sent on 2 August, 1215: he is told to give credence to what the bishop of Chester tells him concerning the king's affairs.[6]

By this time the established machinery of government was dissolved. The evidence of the chancery rolls is there to show us that the chancery continued after a fashion, but the pipe and memoranda rolls tell us equally plainly that no attempt was made to perform the normal functions

[1] *Curia Regis Rolls*, III. 248 (Hilary term 1205).

[2] *Ibid.*, III. 86 (Hilary term 1204). For an earlier search for a foot of a fine, see *ibid.*, I. 208 (Trinity 1200).

[3] As indicated by Pipe Roll no. 61 (17 John): cf. Mills, *op. cit.*, pp. 161–3.

[4] *Rot. Litt. Claus.*, I. 217, 219–21*b*, 225, 225*b*: *Rot. de Finibus*, pp. 557–9, 562.

[5] *Ibid.*, 227*b*.

[6] *Ibid.*, 224.

of the exchequer.[1] Temporary financial expedients were all that was possible and the only writs issued which affected the exchequer were writs of *computate*,[2] made out, of course, with a view to the ultimate resumption of regular administration but hardly with the expectation that they would be presented to the barons of the exchequer in the near future. Not until October 1217 do we find anything in the nature of a writ of *liberate* [3] to show that the exchequer was again in being.

What meanwhile had happened to William of Ely? He was a member of the chapter of St. Paul's, and St. Paul's had long been a centre of disaffection. The majority of the canons, influenced, it would seem, by the chancellor of the cathedral, Gervase of Houbridge, had early taken sides against the king.[4] Gervase was one of the chief supporters of Louis of France, and on the death of Alard of Burnham in September 1216 he was, although excommunicate, elected dean.[5] The guildhall, no less than the cathedral, was a centre of opposition to the king, and from 20 May, 1215, the city of London was John's declared enemy.[6] The defection of the Londoners was followed by swift changes in the government of the city. The mayor, Roger fitz Alan, gave way to Serle the Mercer, at the instance, it is said, of the

[1] The two and a half years from Easter 1215 to Michaelmas 1217 were recognized as the period of war in respect of which no account could be, at least in the majority of cases, demanded by the exchequer. Perhaps the best evidence is afforded by the *Memoranda Roll* 3 *Hen. III*, pp. 384, 388, 459, 465, 468, 476–8. For the pipe rolls, see Mills, *loc. cit.*

[2] From the evidence of the close rolls it would appear that such writs were issued continuously until October 1216 (*Rot. Litt. Claus.*, I. 225, 234, 240–1, 244–8, 247, 251–2, 254, 257–62, 265–7, 271, 275–6, 279, 284, 287, 289, 291): a few are noted in the close roll in 1217 commencing in January (*ibid.*, I. 295, 298, 300, 308, 319, 329). Cf. G. J. Turner, "Minority of Henry III" in *Transactions R. Hist. Soc.*, New Series, XVIII. 285, and F. M. Powicke in *Cambridge Medieval History*, VI. 250 f.

[3] *Rot. Litt. Claus.*, I. 330 (14 October, 1217).

[4] For an account of his career see my forthcoming article in the *English Historical Review* on "Letters of the Legate Guala."

[5] *Annales Monastici*, III. 51; *Histoire . . . des Rois d'Angleterre*, pp. 171, 197. His election is attested also by the St. Paul's document cited, p. 57, n. 7 below. It was, of course, irregular and was disregarded by the legate.

[6] *Rotuli Litterarum Patentium*, I. 137.

barons.[1] But Serle himself was in office for but a few months when he was replaced by William Hardel: at Easter 1217 Hardel was himself replaced by James the Alderman, who in turn gave way at Trinity Sunday to Solomon Basing.[2] Serle presumably did homage to the king at Runnymede,[3] but it is clear that William Hardel could not have sworn allegiance as mayor to John. Immediately, however, upon Louis' arrival in London in June 1216 Hardel did homage to him,[4] and there can be little doubt that Hardel's successors equally did homage to Louis.[5]

Now when we next catch a glimpse of William of Ely we find him acting in association with Gervase of Houbridge and James the Alderman. Two complementary deeds tell us of the sale of a quitrent of forty shillings to the dean and chapter of St. Paul's. The first is the deed of sale witnessed by the mayor and sheriffs.[6] The second is a declaration by the dean and chapter that the money was bequeathed by Richard archdeacon of Colchester for the maintenance of a chaplain in the church of St. Paul's to pray for him and for all faithful departed: to this declaration, William of Ely the treasurer—not, it will be noted, specifically the king's treasurer—is a witness, as one of the three executors of archdeacon Richard's will.[7] There can be no question

[1] *Annales Londonienses, s.a.* 1215, in *Chronicles of Edward I and Edward II* (Rolls Series), I. 17.

[2] For these changes, see *Liber de Antiquis Legibus*, p. 4.

[3] As one of the Twenty-four, the mayor of London presumably did homage with the barons (*Rot. Litt. Pat.*, p. 143*b*). The precise date when Serle was replaced by Hardel is not known, but apparently after Michaelmas when the new sheriffs came into office.

[4] This fact appears to be recorded solely in the Merton Annals (Petit-Dutaillis, *Étude sur la Vie et le Règne de Louis VIII*, p. 514). Cf. *Liber de Antiquis Legibus*, p. 202.

[5] *Cf. Annales Monastici* (Waverley), II. 287: "Lodovicus . . . iterum a Londoniensibus homagia recepit."

[6] Iacobus Aldermannus tunc Maior Londoniarum, Willelmus Blundus et Benedictus Campanarius tunc Vicecomites Londoniarum (St. Paul's MS. A. 16/159).

[7] *Ibid.*, no. 160. This document ends: Et hanc sentenciam fecit Geruasius tunc Decanus, presentibus executoribus dicti testamenti, Willelmo de Hely Thesaurario, Reginaldo et Roberto capellanis eiusdem ecclesie, in capitulo Sancti Pauli, presente choro.

that William of Ely had thrown in his lot with the general body of the chapter who followed the lead of the dean, shared the sympathies of the Londoners, defied the legate, and were among the most active supporters of Louis of France. That William of Ely was accorded the title of treasurer in a St. Paul's document drawn up during Louis' occupation of London suggests that he was actually in the service of the invader. Louis, too, had obtained possession of the records of the exchequer,[1] a fact not easy to dissociate from the treasurer's defection from the royalist party.[2]

Before his withdrawal Louis of France did his utmost to protect the clergy who had supported him, but in the end he was forced to abandon them.[3] The more prominent among them, including Gervase of Houbridge, were deprived: others were severely punished: but the canons of St. Paul's do not seem to have suffered greatly, despite the part they had played in sustaining the Londoners and Louis against the legate. It was inevitable that William of Ely should lose his civil office, and when the exchequer was reopened in the autumn of 1217, a new treasurer appears[4]: but he continued to hold his ecclesiastical benefices.

[1] In the treaty of peace he was therefore required to deliver to the king "rotulos de scacario, cartas iudeorum et cartas factas de libertatibus tempore regis Iohannis . . . et omnia alia scripta de scacario que habet" (Martène et Durand, *Thesaurus Novus Anecdotorum*, I. 857). It should be noted that the barons and Louis appointed sheriffs for the areas under their control, and Louis seems to have collected the regular revenue so far as he was able (K. R. Memoranda Roll, 2 Hen. III (E. 159/1), m. 3; L. T. R. Memoranda Roll, 2–3 Hen. III (E. 368/1), m. 4*d*).

[2] Louis, however, according to the continuator of William of Newburgh, had ransacked the treasury at Westminster (*Chronicles of Stephen, Henry II and Richard I* (Rolls Series), II. 523).

[3] On this question as a whole, see the article in the *English Historical Review* cited above, p. 56, n. 4.

[4] He seems first to be mentioned on 4 November (*Rot. Litt. Claus.*, I. 340). It is not quite certain how soon the exchequer reopened. Mr. G. J. Turner believes that it was after Martinmas (*Minority of Henry III*, p. 287; see also Mills, *op. cit.*, pp. 161–2): but instructions had already been given for payments for writs to be made at All Saints (*Rot. Litt. Claus.*, I. 325) and, as noted above (p. 56), payments out of the exchequer had been authorized on 14 October. The fact that the *Adventus Vicecomitum* was fixed for the morrow of Martinmas (L. T. R. Memoranda Roll, 2–3 Hen. III (E. 368/1), m. 4) shows that the officers of the exchequer were at work well before that date.

The new treasurer was Eustace of Fauconberg: himself a member of the chapter of St. Paul's, he appears to have adhered to the end to the cause of king John and to have supported Henry III from the beginning,[1] and he was soon to be rewarded for his continued devotion to the throne with the bishopric of London.[2] It is, however, curious to note that while Alexander Swereford, also a canon of St. Paul's, has words of eulogy for bishop Nigel, for bishop Richard and for his own old master in the exchequer, William of Ely, he has no word at all for Eustace of Fauconberg, whom he must have known intimately and under whom he had served.[3] Was this devotion to a great family of civil servants?

But however able a civil servant William of Ely may have been, his career and his fall passed unnoticed by contemporary chroniclers: the king's treasurer was not yet a person of political consequence. It is clear, however, that before his death, perhaps soon after the civil war, William of Ely "quondam Regum Anglie thesaurarius" made his peace with the regency. He gave to the monks of Westminster, for the souls of king Henry, king Richard and king John and for the soul of Richard bishop of London and for the welfare of his own soul, the property he had in Westminster of the gift of bishop Richard: and this deed is witnessed by the legate Pandolf, the justiciar Hubert de Burgh, the treasurer Eustace of Fauconberg, as well as by a number of minor exchequer officials.[4] Perhaps these three great men were not all actually present at the execution of

[1] The evidence for his employment from the beginning of John's reign is ample: Hunter, *Fines*, p. lxiv; *Curia Regis Rolls*, I. 385, III. 7, 334, V. 120; *Rot. Cartarum*, pp. 86, 93; *Rot. Litt. Claus*, I. 16, 32, 77. But there appears to be a gap in the available information between 1214, when he is clearly with the king (*Rot. Litt. Claus.*, I. 207–10, 213), and 1217 when he appears as treasurer. We must assume that he remained faithful.

[2] Elected 25 February, 1221.

[3] *Red Book of the Exchequer*, I. 3 ff. It is to be noted also that Swereford barely mentions Eustace of Fauconberg's successor, Walter Mauclerc, bishop of Carlisle, under whom he was writing.

[4] Appendix VIII.

the grant, but that they corroborated it is evidence of William's reconciliation. Possibly he had still some hope of returning to the exchequer, for he had been careful to set out the terms on which the monks would give him licence to live in his old house : but henceforth his name vanishes from the Abbey records : he returned no more to Westminster.

Soon after his death, the Westminster property that he had granted to the Abbey passed to Hubert de Burgh,[1] who proceeded to acquire a number of neighbouring properties.[2] In this way we learn that William of Ely left a son, for two of the plots immediately adjoining were conveyed to Hubert by Ralf the son of William the Treasurer.[3] It is possible too that the Agnes of Ely to whom William of Ely gave a stone-built house, apparently in London, was his daughter.[4]

Upon his retirement from the exchequer William of Ely appears to have devoted himself to his ecclesiastical offices. He farmed the prebendal manors of Caddington and Kensworth belonging to St. Paul's : these he had certainly held in 1200,[5] and perhaps as far back as 1194 when they were relinquished by Herbert le Poer upon his elevation to the see of Salisbury.[6] It is interesting to note, as evidence of William's business capacity, that he had improved fifty acres

[1] Westminster Abbey Domesday, fo. 347. Since this deed is witnessed by Ralf de Neville, elect of Chichester, it may be dated between 1 November, 1222, when the king assented to his election, and 21 April, 1224, when he was consecrated.

[2] London County Council, *Survey of London*, XIII. 4, where there are abstracted three deeds from Cartæ Antiquæ Roll (C. 52) no. 34/3, 5, 6.

[3] Appendix IX.

[4] St. Paul's MS. W.D. I, fo. xxii *a*. The grantor is described as Willelmus Domini Regis Thesaurarius and the grantee as Agnes de Ely filia Willelmi. The witnesses are omitted from the transcript and the deed cannot be precisely dated.

[5] Two actions relating to Caddington brought by William of Ely, the treasurer, in Trinity and Michaelmas terms 1200, must relate to the prebendal manor (*Curia Regis Rolls*, I. 231, 351, 360). He is concerned in another action relating to Caddington in 1206 (*ibid.*, IV. 154, 275).

[6] For Herbert le Poer as fermor of these manors see *Domesday of St. Paul's* (Camden Soc.), pp. 12, 110 f.

at Kensworth by marling, that he had improved the buildings, felled timber and made assarts which he rented to his tenants.[1] These manors he farmed until the end of his life in 1222.[2] He was evidently attached to St. Paul's, and he left to the chapter his copes and his morse. The descriptions of these are the only hints we have of his personal tastes : the morse seems to have been of unusually elaborate workmanship and was decorated with miniatures depicting scenes in the life of Christ.[3]

William of Ely appears also to have been active in the Lincoln diocese. A curious deed, which cannot be earlier than July 1209, records the bargain struck by him and the archdeacon of Huntingdon for buying off a claim of Peter of Omonville to the office of steward of the church of Lincoln.[4] In 1219 we have a note in the rolls of bishop Hugh of Wells that the church of Swaton had been committed to William until further order : it is of interest to find that he is here styled archdeacon of Cleveland,[5] but of his activites in his archdeaconry there seems to be no trace.

This is the sum of all it is possible readily to learn of William of Ely, although chance discoveries and the progressive publication of the records of the reign of John may yield some additional details. We cannot expect to be able to write an intimate biography of him, any more than we can write one of his kinsman and predecessor, Richard of Ely. But we possess enough information to give us a good idea of the manner of life of the most prominent of English civil servants at the period when a professional civil service was forming itself round the exchequer, the first department of state to establish itself apart from the hetero-

[1] *Domesday of St. Paul's*, pp. 2, 3, 6, 8, 12.

[2] He held them in 1222 (*ibid.*, pp. 1, 7). His death is noticed by Matthew Paris (*Chron. Maj.*, III. 74), who did not obtain the information from Roger of Wendover (*Flores Historiarum* (ed. Coxe), V. 229).

[3] Dugdale, *History of St. Paul's* (ed. Ellis), pp. 310, 317.

[4] Appendix VII.

[5] *Rotuli Hugonis de Welles* (Canterbury and York Soc.), I. 153.

geneous *curia regis*. Of the lives of inconspicuous civil servants we cannot hope to recover many details at any period, but I found, as I was collecting information about William of Ely, that I was meeting with a good many other exchequer officers, and it has seemed worth while to add a few sentences regarding William of Ely's colleagues and subordinates.

For the most part their names are to be found as witnesses to deeds among the muniments of Westminster Abbey. The reason for this is plain. As it became recognized that the exchequer was to be normally fixed at Westminster, all those engaged there sought houses near at hand and many became tenants of the abbey. Richard of Ely, as we have already noticed, acquired property a few hundred yards away. William of Ely bought additional land.[1] The buildings must have been extensive—they became the residence of the justiciar himself, Hubert de Burgh—and they probably housed some of the treasurer's clerks: and here, I suggest, may have been the chamber in the turret by the river Thames where the *Dialogus de Scaccario* was written,[2] the treasurer's own private chamber where members of his household would naturally seek him. We must not think of the exchequer staff as distinct from the treasurer's household or from the households of other prominent exchequer officials. One of bishop Richard's chaplains, for example, appears to have been employed under William of Ely in writing the great roll of the exchequer,[3] and another exchequer clerk was, as we shall see, attached to the household of Robert Mauduit the chamberlain.[4] However, a good many of the clerks and

[1] After he became treasurer he bought a messuage at Enedhithe (the later Endive) (Westminster Abbey Domesday, fo. 342): this may be the stable mentioned in Appendix VIII.

[2] "Specula que est iuxta fluuium Thamensem" (*Dialogus*, p. 59). It does not, however, seem possible to establish whether or not Richard of Ely had acquired this property by 23 Henry II.

[3] John of Stortford: see below, p. 81.

[4] Louis of Rockingham: see below, p. 84. It may be noted that the three exchequer officers in charge of treasure sent to Normandy on one

other minor officers of the exchequer had houses of their own. William de Castello, an exchequer clerk, and Peter of Ely, one of the treasurer's sergeants, both seem to have lived in the street later known as King Street.[1] William Langlois "of the exchequer" also possessed property near by.[2] One of Robert Mauduit's clerks acquired a site in Tothill Street,[3] close to the property that the chamberlain had himself acquired.

This property, it may be remarked, was extensive and was bounded by Longditch (now Prince's Street), Tothill Street, and the path leading from Tothill to St. James's Hospital (now the western portion of Queen Anne's Gate): it seems to have been acquired in small parcels very gradually by William Mauduit III and his son Robert.[4] The deed by which Adam of Westminster and Maud his wife granted a messuage in Longditch to William Mauduit is witnessed by Walter abbot of Westminster (1175–1190), "in whose court this grant was made." It is noteworthy that this deed, which cannot very well be later than 1186, is witnessed by no recognizable officer of the exchequer[5]: but nearer the end of the twelfth century and in the earlier years of the thirteenth we find, now and then, a string of exchequer officers acting as witnesses, who appear clearly to have formed part of the abbot's hallmote,[6] and it seems obvious

occasion in 1199 were Elyas serviens thesaurarii, Alexander clericus Iohannis de Wika and Ricardus filius Terrici serviens Roberti Malduit: on another occasion the third was Iohannes homo Garini filii Geroldi (*Rot. de Oblatis*, p. 72). John of Wyke appears to have been an usher of the exchequer: see below, p. 84. Warin fitz Gerald was, of course, chamberlain of the exchequer.

[1] Appendices II, VIII. [2] Appendix VI. [3] *Ibid.* V.

[4] The numerous deeds relating to this Westminster property of the Mauduits are entered in the Beauchamp cartulary, Additional MS. no. 28024, fo. 46*b*–48*a*.

[5] *Ibid.*, fo. 48*a*. One of the witnesses is Geoffrey, clerk of Hubert Walter, and it is probable therefore that the latter was not yet dean of York, an office he obtained in 1186. Two other deeds of William Mauduit's, which cannot of course be later than 1195, have some witnesses in common with that mentioned above, but again no exchequer officers witness either of them (*ibid.*, fo. 46*b*, 47*b*).

[6] Appendix VI.

that when they and their fellows attest abbey deeds it is because they are the abbot's tenants. Thus one deed which is concerned solely with the domestic business of the abbey is attested by twenty-seven witnesses, the first eleven of whom are William of Ely, master Jocelin Marshal, Robert Mauduit and eight other recognizable exchequer officers.[1] Another Westminster deed which, although it does not concern abbey property, may well have been executed in the abbot's hallmote, contains an equally remarkable list of witnesses: these include William of Ely, Jocelin Marshal, three tellers, a melter, as well as Andrew "of the exchequer," who, we know, had bought up the rights of the widow of another melter, and, Gervase the scribe, whom we can identify with the writer of the pipe roll.[2] Other deeds give us the names of yet two other melters, John [3] and Alexander,[4] of Thomas of Windsor the weigher,[5] of John of Stortford and Thomas of Newgate who wrote the pipe and the chancellor's rolls,[6] and of a number of sergeants.[7] We have therefore

[1] Westminster Abbey Domesday, fo. 629. The eight are Henry Foliot, John fitz William, Thomas of Chemillé, William de Castello, John of Stortford, Robert of Bassingbourn, Alexander, Louis: it is doubtful whether the description "clerici de Scaccario" which follows applies to all the eight. A few details may be given of those who are not dealt with in the notes in the Appendix. "Petrus homo Henrici Foliot" is described in 1207 as one of the "servientes thesaurarii et camerariorum" (*Rot. Litt. Claus.*, I. 87), and this seems to imply that Henry Foliot held office in the exchequer. In 1219 money is delivered to Henry Foliot wherewith to acquit the king's expenditure at Wallingford (*ibid.*, p. 391): at the same period he is acting as attorney in the exchequer of the Jews (Cole, *Documents illustrative of English history in the thirteenth and fourteenth centuries*, pp. 289, 302, 310, 319). John fitz William is one of the companions of Peter of Ely when transporting treasure in 1204 (*Rot. de Liberate*, p. 100). Robert of Bassingbourn is described as a clerk of the exchequer in November 1220 (*Rot. Litt. Claus.*, I. 441) and he appears with a group of clerks, who seem all to be exchequer clerks, in 1208 (*ibid.*, 112).

[2] Appendix V.

[3] Fusor or le Fundur: Appendix VIII; Westminster Abbey MSS. nos. 17314, 17372, 17374.

[4] Harleian charters 50 A. 32, 51 C. 47.

[5] Appendix IV; Additional MS. no. 28024, fo. 45–46*b*.

[6] Appendices II, III, VI.

[7] Besides William of Avenay and Norman Burel mentioned in Appendix IV, and Robert of Claygate in Appendix VI, we may find Richard fitz Terric (Additional MS. no. 28024, fo. 45, 46: above p. 62, n. 4) and

evidence of officers of every rank in the exchequer, from the highest to the lowest, making Westminster their home in the closing years of the twelfth century and the beginning of the thirteenth,[1] although some, it is to be noted, still retained a connexion with Winchester.[2] Information of this kind has an undeniable importance in the study of the history of English administration. Here I can do little more than indicate that such information exists : further search among the muniments of the abbey might afford much additional evidence of the development of Westminster as the centre of government and the home of the permanent civil service.

There is one piece of information disclosed in these documents which is worthy of special notice. It seems not to have been unusual for exchequer clerks to act as scriveners or notaries and to write private deeds. Thus John of Waltham, one of the treasurer's clerks, wrote a deed for William of Buckland in May 1191.[3] Another exchequer clerk, Louis of Rockingham, not only wrote a number of private deeds at Westminster,[4] but he accompanied Robert Mauduit to Buckinghamshire and Rutland and wrote deeds for him there.[5]

Nor did Louis of Rockingham serve Robert Mauduit only in this way : he is to be found acting as attorney for

Geoffrey of Claygate (*ibid.*, fo. 46*a* : *Rot. de Liberate*, pp. 37, 62, 101 ; *Rot. Litt. Claus.*, I. 36, 37).

[1] Not all, however, found accommodation so near. Alexander Swereford, for example, held of the abbot of Westminster a house between Ludgate and Fleet Bridge (Westminster Abbey Domesday, fo. 561).

[2] As, for example, Richard the melter (*Pipe Roll 7 Ric. I*, p. 210 ; Appendix V) ; and compare the bargain made by Andrew of the Exchequer with Joia the widow of William the melter who lived at Winchester (*Pipe Roll 4 Ric. I*, p. 299 ; Appendix IV).

[3] St. Paul's MS. A. 33/769. This is a quitclaim which was executed at the exchequer : I have printed it in the *Law Quarterly Review*, XLVIII. 422–3.

[4] Appendix IV.

[5] Additional MS. no. 28024, fo. 22, 27, 51*b*, 52 ; Northants Record Society, *Facsimiles of Early Charters*, nos. VIII and X. With the palæographical aspect of the surviving original deeds I hope to deal elsewhere.

both Robert and Isabel Mauduit before the justices of the bench.[1] And this introduces us to another of the activities of exchequer clerks upon which it is desirable to say a few words. Louis of Rockingham may have acted only for the heads of the household in which he served, very much indeed as a monk might act for his abbot or one relative for another ; but other exchequer clerks appear to have acted in the court of the justices of the bench as attorneys for principals with whom they can have had no such bond. Jocelin Marshal, for example, is found, it is true, acting there on occasion as attorney for William Marshal,[2] but he appears also to have acted not infrequently in a purely professional capacity.[3] He perhaps was in a somewhat exceptional position since references to his conveying orders from the justiciar suggest that he had official duties outside the exchequer.[4] But there seems to be nothing exceptional about several of the other exchequer officers who are to be found acting as attorneys. Thus Andrew of the Exchequer acted as attorney not only for his wife and son and for Warin fitz Gerald and John of Wyke who were exchequer officers, but also for Alice of Cowley, Osbert of Ramsey and the abbot of Abingdon.[5] Andrew's functions in the exchequer are uncertain : he may have been one of the chamberlains' clerks and we know that he bought the office of melter during a minority.[6] But of the functions of Albin the teller, who also acted on occasion as attorney,[7] we have no doubt, nor of those of John of Stortford who, as we have seen, was the writer of the great roll.[8] Other attorneys who appear to be acting professionally before the justices of the bench and whom we recognize as exchequer clerks are Thomas of Chemillé,[9]

[1] *Curia Regis Rolls*, III. 183, 233, 301, IV. 53.
[2] *Ibid.*, IV. 215.
[3] *Ibid.*, I. 277, 303, 337, 475, IV. 274, V. 9, 91.
[4] *Ibid.*, II. 139, 175.
[5] *Ibid.*, I. 87, 179, 188, II. 161, 292, 310, III. 7, 32, 50–2.
[6] Below, pp. 70, 84.
[7] *Curia Regis Rolls*, I. 237, 240. [8] *Ibid.*, II. 248.
[9] *Ibid.*, 41. Note that he is given as an alternative to Martin the Clerk mentioned below.

William de Castello,[1] John fitz William [2] and, we should probably add, Alexander the clerk, although there must be some doubt regarding his identity.[3]

Without attempting to put together anything like a complete list of exchequer clerks of the period, and confining ourselves to those who figure as witnesses in Westminster Abbey deeds, we have sufficient evidence to make it certain that exchequer clerks were, at least to a limited extent, engaged professionally in the practice of the common law. We must not, however, lay too great stress on their activities. Doubtless they were helping to shape the development of the common law, but other clerks whose business took them in or near the court probably acted in a similar capacity. Certainly Martin, the clerk of Simon of Pattishall, appears to have acted as attorney for litigants, and we have no reason to suppose that he was singular in this respect.[4] Another attorney whose name occurs with some frequency in the early years of John is Roger Huscarl who, like Martin, became one of the king's justices [5]: but there appears to be nothing to show that before 1209, when he seems first to have sat upon the bench, he was employed in any official capacity in the courts, and it is just possible that he was in fact a lawyer by profession. The presence of exchequer clerks among the attorneys does, however, mark a stage in the evolution of the law and the growth of professionalism. The idea that a litigant, if he is not present personally in court, should be represented by some near connexion is obviously waning. With the bench and the exchequer both

[1] *Curia Regis Rolls*, III. 311.

[2] *Ibid.*, I. 25, III. 87, IV. 255, 313.

[3] *Ibid.*, II. 103, 229, 248, III. 41, 43, 238, 305, IV. 97: for other Alexanders, see below, p. 88.

[4] *Rot. Curiæ Regis*, II. 115, 182; *Curia Regis Rolls*, I. 129, 140, 364, II. 41, 119, IV. 252; *Earliest Lincolnshire Assize Rolls*, pp. 211, 218, 261; *Earliest Northamptonshire Assize Rolls*, pp. xxvii, 106, 141. In treating these passages as referring all to Martin of Pattishall, an identity is assumed which is not perhaps unchallengeable: another contemporary Martin the Clerk is known who became sheriff of Middlesex.

[5] *Rot. Curiæ Regis*, I. 35, II. 44, 106, 148; *Curia Regis Rolls*, I. 218, 290, III. 62, 290, V. 280, 291, 300, 317, 326.

sedentary at Westminster, a ready source of quasi-professional assistance was forthcoming in the large establishment of exchequer clerks : it was but a step to the creation of a profession of the law.

NOTE

ON THE OFFICERS OF THE EXCHEQUER AND THE TRANSPORT OF TREASURE

Something further needs to be said of the exchequer officers of the second rank in the twelfth century, which could not well be incorporated in a paper on the career of William of Ely and could not be compressed into a footnote. For the names of these officers and for something of their history we are very largely dependent upon the notices in the pipe rolls of the transport of treasure during each fiscal year. These references have not escaped attention, but they have not, I think, been considered as a whole nor interpreted quite correctly. As in regard to other matters, so the method of entering on the pipe roll charges for the transport of treasure varied from time to time. Up to the year 1168 details are few ; from that year to 1178 the names of those in charge of treasure are often given ; and then until 1189 the scribe usually employs a formula which suppresses the personal names but mentions the offices held by those in charge : after 1189 all such details are, as a rule, omitted. In the early years of Henry II there may have been a difference in the actual practice followed in transporting treasure, but the subsequent changes merely reflect a modified office-procedure in entering up items of expenditure of an exactly similar nature.

It will be convenient to begin by considering the entries for the period 1168 to 1178. Some typical examples are as follows :—

Et in conductu thesauri per totum annum et pro thesauro onerando et exonerando et in aliis minutis negociis thesauri per Odonem de Falesia et Waleranum de Crickelada et alios seruientes thesauri, xlviij.s. et vj.d.[1]

Et in custamento ducendi thesaurum multis vicibus per Angliam per Walerannum et Odonem et Andream et alios servientes thesauri, xxvij.s. et viij.d.[2]

Et pro ducendo thesauro multis itineribus a Londonia ad

[1] *Pipe Roll* 18 *Hen. II*, p. 84. [2] *Ibid.*, 22 *Hen. II*, p. 12.

Wintoniam, et a Wintonia ad Clarendonam, et item a Wintonia ad Porcestriam, et item a Wintonia ad Londoniam, Baldwino et Ricardo et Andree clericis, c. et xvj.s. et vj.d.[1]

Et in custamento ducendi thesaurum ad Wintoniam a Lundonia, per Ricardum de Windresores et Andream clericum et Randulfum, xxxj.s. et iiij.d.[2]

Et pro ij. magnis hugiis et ostio thesauri Wintonie reficiendo et pro ducendo thesauro pluribus vicibus per Andream et Ricardum clericos et alios servientes thesauri, xxv.s. et ij.d.[3]

Et pro ducendo thesauro tribus vicibus a Londonia ad Wintoniam, lxxvij.s. et vj.d., per Odonem de Falesia et Ricardum de Windresores et Andream clericum.[4]

Sometimes the names of three, sometimes of two, most frequently (up to 1175) of only one of the *servientes thesauri* are mentioned in such entries; in this way we get the names of a dozen men or so of this class in a period of eleven years. The number is uncertain, because there are other, and more dignified, persons mentioned as being in charge of treasure in transit and it is not always easy to draw the line. This is a point to which we shall return.

It will be noticed that in the third entry given above, three clerks are mentioned, and it is practically certain that the three men mentioned in the fourth entry are also all clerks. This is a fact to be remarked, for a statement of Richard of Ely's has given rise to some misunderstanding. He writes: "Illic est clericus thesaurarii. . . . Sunt et duo milites camerariorum. . . . Hii tres simul omnes vel vicissim cum thesauro mittuntur cum oportuerit."[5] This obviously means that one or more of the three go: it does not justify the statement that "it is well recognized that treasure in transit was in charge of the treasurer's clerk and of the two deputy-chamberlains, which latter were essentially not clerks."[6] What is clear is that as soon as there was introduced the practice, described in the *Dialogus*, of securing each treasure-chest with two different keys and with the treasurer's seal, then three officers of some standing would accompany the convoy and for this purpose, at any rate, would represent the treasurer and the two chamberlains. What I would emphasize here is that the representative of a chamberlain

[1] *Pipe Roll* 23 *Hen. II*, p. 175.
[2] *Ibid.*, p. 198.
[3] *Ibid.*, 24 *Hen. II*, p. 111.
[4] *Ibid.*, p. 128.
[5] *Dialogus de Scaccario* (Oxford Ed.), pp. 62–3.
[6] J. H. Round, Introduction to *Pipe Roll* 33 *Hen. II*, p. xxi n.

was not necessarily a knight or other layman and might well be a clerk: but lay or clerk, he might equally be described as *serviens thesauri* [1] or *serviens de thesauro*.[2] A sergeant of the treasury is not necessarily a sergeant-at-arms.

Of the sergeants of the treasury at this period whose names we possess, about half were, in fact, clerks. The clerk most frequently mentioned is Andrew, and he is described indifferently as *clericus, clericus thesauri* and *clericus cam'*.[3] This last word has been extended by no less authorities than Eyton and Tout as camer*e*,[4] but there seems to be no question that the extension here must be camer*ariorum*, or possibly camer*arii*.[5] It seems, in any case, difficult to imagine that, after the separation of the exchequer and the chamber, a man could at once be a clerk of the treasury and a clerk of the chamber, and it is still more difficult to believe that a clerk of the chamber could be constantly engaged in supervising the transport of treasure on behalf of the exchequer. Andrew has been identified, on the other hand, with the *clericus thesaurarii*,[6] but this suggestion also must be rejected, although it may at first sight seem a little odd that a clerk of the treasury was not a clerk of the treasurer. Andrew is more likely to be the "Andreas de Scaccario" who is found at Westminster later in the century.[7] We find, too, a Radulfus who is also described as *clericus cam*[*erariorum*] [8] and who has been hailed by Tout as "the first recorded 'clerk of the chamber,'" [9]

[1] *Pipe Roll* 18 *Hen. II*, p. 84; 19 *Hen. II*, p. 51; 20 *Hen. II*, p. 134; 22 *Hen. II*, p. 12; 24 *Hen. II*, p. 111.

[2] *Ibid.*, 20 *Hen. II*, p. 133; 21 *Hen. II*, p. 198.

[3] *Ibid.*, 19 *Hen. II*, pp. 53, 54; 20 *Hen. II*, pp. 133, 135; 21 *Hen. II*, pp. 16, 198, 200; 23 *Hen. II*, pp. 175, 198; 24 *Hen. II*, pp. 111, 128; 25 *Hen. II*, p. 106; 26 *Hen.* II, p. 137. On one occasion he has no title, but there is no question of his identity: *Pipe Roll* 22 *Hen. II*, p. 12.

[4] Eyton, *Itinerary of Henry II*, pp. 183, 184; Tout, *Chapters in Mediæval Administrative History*, I. 116.

[5] For two instances where *cam'* undoubtedly represents the oblique cases of *camerarius* and where this word stands for a chamberlain of the exchequer, see *Pipe Roll* 7 *Hen. II*, p. 26; 13 *Hen.* II, p. 194.

[6] *Dialogus de Scaccario*, Introduction, p. 22. The editors seem to have been misled by supposing that Madox had cited the names of all those engaged in supervising the transit of treasure.

[7] Above, p. 66.

[8] *Pipe Roll* 20 *Hen. II*, p. 135: he appears to be identical with *Radulfus clericus de Scaccario* of the Pipe Roll of the preceding year (p. 71) and also with *Randulfus* of 1177 (above, p. 69).

[9] *Chapters in Mediæval Administrative History*, I. 116. It is here stated that in the pipe roll of 1165 (p. 39) "we find *Radulfus clericus* acting with

but who, like Andrew, must have been employed in the exchequer. Other clerks with no further designation, although they may be included among the *servientes thesauri*, are Godfrey,[1] Richard (of Windsor),[2] and Baldwin.[3] Walter of Coutances, who is twice found in charge of treasure,[4] was, of course, a clerk but was probably too dignified to require any description: I mention him here because he also has been recognized as a clerk of the chamber,[5] a supposition for which there seems actually to be no evidence. It is possible, but by no means certain, that at the beginning of his career in the king's service, he was employed in the exchequer: he was, in any case, soon serving in the chancery.[6]

The most prominent laymen among the sergeants of the treasury were Eudes of Falaise and Waleran of Cricklade. The former was constantly engaged between 1168 and 1178 in the transport of treasure and appears to have been connected with William Mauduit[7]: the latter was doubtless connected with

Geoffrey Monk in receiving moneys into the chamber." Actually they received £9 3*s.* 6*d.* "ad negotia regis," which is not the same thing.

[1] *Pipe Roll* 16 *Hen. II*, p. 26.

[2] *Ibid.*, 23 *Hen. II*, pp. 175, 198; 24 *Hen. II*, pp. 111, 128; 26 *Hen. II*, p. 137. Cf. *Pipe Roll* 27 *Hen. II*, p. 129. Richard could not have been the weigher or *miles argentarius* of the *Dialogus*, as the editors suggest (p. 22). It is just possible that he may have been the treasurer's clerk: below, p. 78. The weigher was, in fact, Gervase of Windsor or "de Thesauro" who is mentioned in the pipe roll of 1156 (pp. 55, 59, 60) and frequently thereafter (cf. Round, "The Weigher of the Exchequer," in *English Historical Review*, XXVI. 724 ff.) The office appears to have been granted, or rather confirmed, to him very early in Henry II's reign (see J. Coker, *Survey of Dorsetshire* (1732), p. 15). By 1192 he was succeeded by Thomas of Windsor (*Pipe Roll* 4 *Ric. I*, p. 298).

[3] *Ibid.*, 19 *Hen. II*, p. 54; 23 *Hen. II*, p. 175.

[4] *Ibid.*, 20 *Hen. II*, p. 135; 21 *Hen. II*, p. 200.

[5] Haskins, *Norman Institutions*, p. 180; Tout, *loc. cit.* But he is not in the entry cited called *homo camere* nor even *homo camerariorum*, a description that applies to William Picot and Hugh fitz Hervey who accompanied him on this occasion. It should further be noted that he did not, as Tout states, travel with Ralf the chamberlain's clerk; for while the latter was in charge of treasure transported in the *esnecca*, Walter of Coutances and his companions travelled on a different day in a ship hired from Robert of Bayonne (*Pipe Roll* 20 *Hen. II*, p. 135).

[6] Delisle, *Actes de Henri II*, Introduction, p. 108.

[7] *Pipe Roll* 14 *Hen. II*, p. 7; 17 *Hen. II*, pp. 40, 55, 148; 18 *Hen. II*, pp. 48, 84; 19 *Hen. II*, pp. 51, 183; 21 *Hen. II*, p. 198; 22 *Hen. II*, pp. 12, 47; 24 *Hen. II*, p. 128. A connexion with William Mauduit is suggested by his presence at Hanslope (below, p. 73). A Richard of Falaise, also one of the chamberlains' sergeants (*Rot. Litt. Claus.*, I. 4, 6*b*, 16, 20, 63*b*), is found at Hanslope witnessing a deed of Robert Mauduit's

the other chamberlain, Henry fitz Gerald.[1] Other lay sergeants were John of Wyke, who is presumably to be identified with the man of that name who later acted as usher of the exchequer,[2] William Picot, who, it is instructive to note, is called indifferently *serviens de thesauro* and *homo camerariorum*,[3] Reginald Croc, *serviens thesauri*,[4] and Hugh fitz Hervey, *homo camerariorum*.[5] Other persons are occasionally found in charge of treasure whose names are quite obscure and whose status is in doubt.[6]

But among the sergeants of the treasury, clerkly or lay, we cannot identify anyone as certainly attached to the treasurer: evidence that a clerk of the treasurer accompanied treasure in transit comes either from the *Dialogus* or from pipe rolls later than the first recension of that treatise. There can be no question that Richard of Ely was apt to put down what should be, rather than what had been, the practice in the exchequer, and it is highly probable that the *Dialogus* as a whole represents an effort of reform. We cannot argue therefore backwards from it, although it is certainly suggestive that in the period before 1178 three men are sometimes mentioned as having been in charge of treasure in transit,[7] that Richard gives a plausible reason for requiring three attendants,[8] and that when, in the thirteenth

in 1219 (Additional MS. no. 28024, fo. 26*b*). It is tempting to identify Eudes of Falaise with *Odo filius Vitalis*, who is found in 1180 farming the *prévôté* of Falaise (Stapleton, *Magni Rotuli Scaccarii Normanniae*, I. 50).

[1] *Pipe Roll* 18 *Hen. II*, p. 84; 19 *Hen. II*, p. 51; 22 *Hen. II*, pp. 12, 47. His name indicates his connexion with the fitz Geralds (below, p. 73).

[2] *Ibid.*, 20 *Hen. II*, pp. 133, 134; and see below, p. 84.

[3] *Ibid.*, 16 *Hen. II*, p. 126; 20 *Hen. II*, pp. 133, 135.

[4] *Ibid.*, 20 *Hen. II*, p. 134.

[5] *Ibid.*, p. 135.

[6] Henry de Auen' who accompanied Walter of Coutances (*Pipe Roll* 21 *Hen. II*, p. 200) and Eude Pil' who accompanied Alexander de Barentin (*Pipe Roll* 24 *Hen. II*, p. 112). Adam of "Ykebuef" who is found in charge of the treasure of the young king (*Pipe Roll* 22 *Hen. II*, p. 200) was a member of his household (cf. Round, *Cal. Documents France*, pp. 8, 118, 378). The position of the *cambitores* concerned with the great recoinage of 1180 was, of course, quite exceptional (*Pipe Roll* 27 *Hen. II*, pp. 156–7: and see below, p. 74, n. 5).

[7] The earliest occasion upon which three names are given is in the pipe roll of 1174 (p. 133), where however there is added "et alios seruientes de thesauro": for a similar entry see *Pipe Roll* 22 *Hen. II*, p. 12. Three men only are named in *Pipe Roll* 23 *Hen. II*, pp. 175, 198; 24 *Hen. II*, p. 128: in *Pipe Roll* 27 *Hen. II*, p. 129, three clerks are found transporting the king's gold. Two of the chamberlains' men accompanied Walter of Coutances in 1174, but this case is not perhaps strictly relevant (*Pipe Roll* 20 *Hen. II.*, p. 135).

[8] *Dialogus de Scaccario*, p. 62; above, p. 69.

century, we again get the names of those supervising the transit of treasure, the number is almost invariably three.[1]

But however that may be, it would appear from the entries now to be cited that early in the reign of Henry II the chamberlains had a personal responsibility for the treasure, which was seemingly not shared by the treasurer, and further that, from time to time, men eminent in the king's service, who were certainly not deputies either of the treasurer or of the chamberlains, were placed in charge of treasure in transit.

The earliest notices of the transit of treasure appear in the pipe roll of 1156: one of these, which occurs under Winchester, is as follows:—

In locatione ij. carretarum et pro ij. equis ad conducendum thesaurum Regis ad Cricchelad', iv.l. x.s. viij.d.[2]

With this should be read an entry in the pipe roll of 1168:—

Et pro ducenda hugia thesauri de Hamesclapa ad Norhantonam, et inde usque Lundoniam, Odoni de Falesia, dim. m.[3]

Why should the king's treasure be taken to Cricklade and why should a treasure-chest be found at Hanslope? The answer must be, in Eyton's words: "portions of the royal revenue were occasionally and temporarily lodged at the chamberlain's own private residence".[4] For an estate at Cricklade had been granted by Henry II to Warin fitz Gerald and already appears as his in the pipe roll of 1156,[5] and Hanslope belonged to William Mauduit as

[1] *Rot. de Liberate, Rot. Litt. Claus.* I, passim. Actually we can be sure that this was the rule from 1199, but it should be noted that Elias, *sergeant* of the treasurer, is one of the three on one occasion in this year (*Rot. de Oblatis*, p. 72). Peter of Ely, another of the treasurer's sergeants, is constantly engaged in this employment from 1201 onwards (below, p. 89). In 1205 on an exceptional occasion (*Rot. Litt. Claus.*, I, 20) five men are mentioned as being in charge of a convoy of treasure: two of these, Thomas de Camera (see Tout, *Chapters in Mediæval Administrative History*, I. 161) and John fitz Hugh (see Foss, *Judges*, II. 60–2), were not connected with the receipt of the exchequer. Four men are mentioned in 1208 (*Rot. Litt. Claus.*, I. 114*b*), and in 1212 two (*ibid.*, I. 116*b*, 117, 118) or even one only (*ibid.*, I. 120*b*).

[2] *Pipe Roll 2 Hen. II*, p. 52.

[3] *Ibid.*, 14 *Hen. II*, p. 7. With this should be compared the entry under Buckinghamshire in the roll of 1171 (p. 55): Et in conductu hugie de thesauro per Odonem de Falesia; and see also *Pipe Roll* 18 *Hen. II*, p. 48. Both entries seem to signify a stay at Hanslope.

[4] *Itinerary of Henry II*, p. 107 n.

[5] *Pipe Roll 2 Hen II*, p. 35; *Red Book Exchequer*, p. 355. Cf. *ibid.*, p. 664; *Book of Fees*, pp. 341, 737. These are the authorities referred to by Round, *Commune of London*, p. 83.

it had to his father.[1] Here then we have evidence of the personal responsibility of the two chamberlains of the exchequer for the king's treasure. It may not be without significance, as Eyton suggested, that in the *Constitutio Domus Regis* William Mauduit the elder, who, like his son and brother, held the *cameraria regis thesauri*,[2] was allowed three sumpter horses and their forage.[3] In the pipe roll of 1161 we certainly find that Henry fitz Gerald (Warin's successor in the chamberlainship) was allowed twenty-seven shillings for such a horse purchased at Winchester to carry the king's treasure.[4] The chamberlain's personal responsibility for the transit of treasure is also suggested by entries in the pipe rolls of 1160 and 1167, which record that Henry fitz Gerald and William Mauduit crossed the Channel in the *esnecca* with treasure.[5]

Upon these last entries we cannot, however, lay great stress, for when treasure was transported overseas, especially perhaps when a large amount was being taken, it seems to have been not unusual to place it in the charge of some prominent minister who need have no special connexion with the exchequer. Thus Richard du Hommet, constable of Normandy, is named in this connexion in 1161,[6] Robert Mauduit and John of Oxford, dean of Salisbury, in 1173,[7] and Alexander de Barentin, the

[1] Hanslope was acquired by William Mauduit, together with the hand of Matilda daughter of Michael of Hanslope, then dead, about 1131 (Add. MS. no. 28024, fo. 21 : Farrer, *Itinerary of Henry I*, no. 661). It was confirmed to him by duke Henry in 1153 (Add. MS. no. 28024, fo. 21*b* : Round, *Commune*, p. 82), and it passed to William Mauduit III not later than 1158 (Add. MS. no. 28024, fo. 22 : Eyton, *Itinerary of Henry II*, p. 34). This William is called "camerarius de Hameslepe" in 1185 (*Rotuli de Dominabus* (1913), p. 43).

[2] The charter of 1153 reads : "reddidi eidem camerariam mei thesauri", and not as Round quoted it.

[3] Eyton, *op. cit.*, p. 107 n., citing *Liber Niger Scaccarii*, p. 352 : the version in the *Red Book* (p. 811) gives him two sumpter horses only.

[4] *Pipe Roll* 7 *Hen. II*, p. 26 : Et pro j.runcino ad portandum thesaurum regis xxvij. s. per Henricum filium Geroldi camerarium.

[5] *Ibid.*, 6 *Hen. II*, p. 47 ; 13 *Hen. II*, pp. 193–4. I do not mention in the text the journeys, apparently in the autumn of 1180, made by John Cumin and William Mauduit, for these were obviously exceptional, and the "treasure" on these occasions seems undoubtedly to have been the new coinage : *Pipe Roll* 26 *Hen. II*, pp. 60, 82, 137 ; 27 *Hen. II*, pp. 67–8.

[6] *Ibid.*, 7 *Hen. II*, p. 28.

[7] *Ibid.*, 19 *Hen. II*, p. 54. This Robert Mauduit was presumably William Mauduit's brother, as to whom see Northants Record Soc., *Facsimiles of Early Charters*, p. 90 : for a charter of Richard *regis filius* in which he is mentioned, apparently after his death, see Add. MS. no. 28024, fo. 28*b*. He is himself occasionally called chamberlain (Eyton, *Itinerary of Henry II*, pp. 193, 218).

king's butler, in 1178.[1] Here too may be mentioned the clerk of William fitz Ralf, the seneschal of Normandy, who crossed the Channel with treasure in 1183–4.[2] Mention has already been made of Walter of Coutances who should probably also be placed in this group.[3]

We cannot explain in what particular circumstances any of these men were charged with the responsibility for transporting treasure: but these instances serve the purpose of warning us against assuming any great rigidity in the system. It will be noticed that the treasurer himself is not mentioned in this connexion. He and the two chamberlains, however, seem to have been in personal charge of the "treasure of the great receipt of Easter" which was taken in 1181 from London to Winchester,[4] but we have no record evidence that the treasurer's clerk was charged with a similar duty in any year before 1182, when we find an entry referring to his stay at Portsmouth before the king crossed the sea.[5] From that date onwards such references are fairly common for some years. The varying formulas are a little difficult to interpret, as will be seen from the following examples:—

Et in liberatione clerici thesaurarii et camerariorum dum moram fecerunt apud Portesmue ante transfretationem Regis.[6]

Et in custamento ducendi et reducendi a Wintonia usque Saresberiam et Sudhantonam et Londoniam, et liberatione clericorum et servientum thesauri pluribus vicibus.[7]

Et clerico thesaurarii et ij. hominibus camerar[iorum] xl.s. de liberatione sua.[8]

Et in liberatione clericorum et camerariorum qui duxerunt thesaurum ultra mare.[9]

Et in liberatione clericorum [thesaurarii] et camerariorum et custamento ducendi thesaurum a Lundonia usque Wintoniam et per diversa loca Anglie pluribus vicibus.[10]

[1] *Pipe Roll* 24 *Hen. II*, p. 112. For his office see Madox, *Formulare*, pp. 47 (no. 86), 295 (no. 508).

[2] *Ibid.*, 30 *Hen. II*, p. 80.

[3] For what appear to be similar instances under Richard I, see *Pipe Roll* 2 *Ric. I*, p. 131; 6 *Ric. I*, p. 176.

[4] *Ibid.*, 27 *Hen. II*, p. 129.

[5] See following quotation.

[6] *Pipe Roll* 28 *Hen. II*, p. 139.

[7] *Ibid.*, 29 *Hen. II*, p. 147.

[8] *Ibid.*, p. 148. Camerar' is here extended as camerar*ii*.

[9] *Ibid.*, 30 *Hen. II*, p. 80. There is a similar entry at p. 92.

[10] *Ibid.*, p. 138: the word "thesaurarii" is interlined.

Et in liberatione clericorum thesaurarii et camerariorum qui transfretaverunt cum thesauro.[1]

Et in liberatione clerici thesaurarii et hominum camerariorum quando transfretaverunt cum thesauro in capite Jejunii.[2]

Et pro locanda navi Samsonis Wascelin ad ducendum harnasium clericorum thesaurarii et camerariorum qui transfretaverunt cum thesauro.[3]

Et pro locandis vj. nauibus ad opus clericorum thesaurarii et camerariorum.[4]

Et in liberatione clericorum thesaurarii et camerariorum qui moram fecerunt apud Westmonasterium ad summonitiones sigillandas.[5]

There can, of course, be no doubt that these entries attest the prominence and activity of the clerk (and probably the clerks) of the treasurer in the latter part of the reign of Henry II, and further that, on occasion, he had as his companions two men of the chamberlains. There remain, however, the questions whether the *camerarii* in these entries are invariably the chamberlains of the exchequer themselves or whether the title has been extended to cover their deputies,[6] and further whether the chamberlains were sometimes represented by clerks as they had been at an earlier period. The difficulty is most obvious in the first and fourth entries cited above. In 1182 have we to do with the chamberlains in person or with deputies ? If with deputies, why did not the scribe write *servientes* or *homines* as he did elsewhere ? Since it seems to be implied that these *camerarii* voyaged in the king's company we may perhaps accept the presence of the chamberlains themselves on this occasion. The fourth entry must be read with the fifth and sixth, all from the same roll : here (and in the case of a similar entry on this roll) it seems possible to conjecture that the word *thesaurarii* was omitted as it had, in the first place, been omitted from the fifth entry. Since three was the regular number of custodians we ought, it would seem, to read these, and the eighth and ninth, entries as meaning that three clerks in the service of the treasurer and the chamberlains accompanied the treasure. These and similar entries should not be read as meaning that two or more

[1] *Pipe Roll* 30 *Hen. II*, p. 87.
[2] *Ibid.*, 32 *Hen. II*, p. 49.
[3] *Ibid.*, 33 *Hen. II*, p. 203.
[4] *Ibid.*, 1 *Ric. I*, p. 206.
[5] *Ibid.*, p. 223.
[6] As Round suggested, *Pipe Roll* 33 *Hen. II*, Introduction, p. xxi n. Cf. *Dialogus*, p. 62 : " qui et camerarii dicuntur quia pro camerariis ministrant ".

clerks (of the treasurer) and two or more (deputy) chamberlains accompanied the treasure. In the last entry cited, which refers to the sealing of writs of summons, there can hardly be any question that clerks of the treasurer and of the chamberlain are meant,[1] and, as we have already seen, earlier in the reign three clerks are sometimes mentioned together by name.

I cannot myself feel any serious doubt either that *camerarii* in these entries means the chamberlains of the exchequer or that they were sometimes represented by clerks and sometimes by lay sergeants when treasure was transported: it can have been but rarely that the chamberlains accompanied the treasure in person.

It may be well, in this connexion, to emphasize that when the chamberlains were represented by sergeants, these latter were there as a control upon one another and on the treasurer's clerk, and not to provide an armed escort, which, when required, was specially engaged. The earliest specific reference to such an escort appears to be in the pipe roll of 1159 when ten knights received ten shillings apiece for escorting treasure.[2] Later rolls give particulars of the armed escort provided when treasure was sent across the Channel. From the pipe roll of 1167, which records the transport of treasure in the *esnecca* in charge of William Mauduit in person, we learn that it had for escort three ships, each with a complement of a hundred men-at-arms,[3] an indication of the exceptional amount involved; for when, on St. Swithin's day 1173, Andrew, the clerk of the treasury, was in charge of treasure going to Normandy, only fifteen sailors were added to the crew of the *esnecca* in which it was transported, and only ten men were added to the crew of the ship in which, in the same year, Robert Mauduit took treasure to Ouistreham.[4] On other occasions we read of escorts of twenty sergeants [5] and of ten sailors [6] accompanying the clerks and sergeants of the treasury, and we may assume that ten to twenty men was the usual escort.[7]

[1] Cf. Tout, *Chapters in Mediæval Administrative History*, I. 146.

[2] *Pipe Roll* 5 *Hen. II*, p. 45.

[3] *Ibid.*, 13 *Hen. II*, pp. 193–4.

[4] *Ibid.*, 19 *Hen. II*, p. 54.

[5] *Ibid.*, 29 *Hen. II*, p. 148.

[6] *Ibid.*, p. 149. This and the previous entry refer to occasions on which a ship was employed other than the *esnecca*, the normal crew of which was probably considered adequate in most cases.

[7] Numbers are not always given. Cf. *Pipe Roll* 30 *Hen. II*, p. 87, where an unspecified number of hired sergeants accompany on two

At this point I may summarize the main conclusions which seem to result. In the early years of Henry II the chamberlains of the exchequer were personally responsible for the king's treasure: the clerical treasurer, who was an innovation late in the reign of Henry I, had not yet asserted, or been required to take, at any rate an equal share in the responsibility for the safety of the king's treasure. The chamberlains had as part of their staff not only 'knights' but also clerks. The clerks of the chamberlains have, in fact, as long a history as the clerks of the treasurer, and perhaps a much greater antiquity: it looks as though they acted at least as efficiently and as often as the 'knights' in the capacity of deputies to the chamberlains. In parenthesis it may be noted that the *milites* of the *Dialogus de Scaccario* are not necessarily men of exalted rank: the chamberlains' deputies may well have been of the same class as the ten *milites* hired to escort treasure in 1159, men who elsewhere are called sergeants, professional soldiers with the comparatively simple equipment of the period.[1] Andrew, the clerk of the treasury, was obviously a well-known figure in the middle years of Henry II's reign, although not better known perhaps than Eudes of Falaise, whose office doubtless corresponded to that of one of the *milites* of the *Dialogus*. But we can put no treasurer's clerk beside these two: we can name with confidence no clerk of the treasurer until a good many years later,[2] although it seems possible, though by no means certain, that Andrew's contemporary, Richard of Windsor, held that office.[3] We get

occasions the clerks of the treasurer and chamberlains. On another occasion an unspecified number of *strenui naute* are engaged (*Pipe Roll* 31 *Hen. II*, p. 216).

[1] Cf. F. M. Stenton, *First Century of English Feudalism*, pp. 142 ff.

[2] John of Waltham appears to be the first mentioned by name in the pipe roll of 1190; the treasurer's clerk first mentioned as being in charge of treasure in transit appears to be Hugh of Winchester in the roll of 1195: see below, p. 80.

[3] He is probably to be identified with the canon of St. Paul's who appears early in Richard of Ely's episcopate (*Cart. Mon. S. Iohannis Baptiste in Colecestria*, I. 88; Nero C. III, fo. 201; Westminster Abbey Domesday, fo. 603*b*). He is mentioned in the pipe roll of 1178 (p. 128) as accompanying Eudes of Falaise and the clerk Andrew who were attached to the chamberlains, but in the same roll (p. 111) he is included with Andrew among the *servientes thesauri*. I am inclined to doubt whether at this time the treasurer had a clerk of his own whose duty it was to accompany treasure in transit: in the roll of 1176 (p. 12) where Waleran of Cricklade, Eudes of Falaise and Andrew are mentioned together, we probably have a reference to a journey undertaken by three

indeed from record evidence glimpses of a picture of the receipt of the exchequer very different from that presented by Richard of Ely in the *Dialogus*.

APPENDIX OF ILLUSTRATIVE DOCUMENTS

I. *Bishop Richard III of London grants to William of Ely his houses in Westminster* (1195–6)

Westminster Abbey Domesday, fo. 341*b*: Cotton MS. Faustina A. III, fo. 248 (copies, XIV Cent.).

Uniuersis Christi fidelibus ad quos presens carta peruenerit Ricardus diuina permissione Lundoniensis episcopus salutem in Christo perpetuam. Nouerit vniuersitas vestra nos intuitu fidelitatis et honestatis persone dilecti consanguinei nostri Willelmi de Eli thesaurarii domini Regis dedisse et concessisse eidem Willelmo in feodum et hereditatem domos quas habuimus in villa Westmonasterii et totum mesuagium cum omnibus pertinenciis suis, tam in edificiis et tenementis quam in omnibus aliis rebus, et vniuersum ius quod in eis habuimus. Volumus igitur et concedimus ut predictus Willelmus et heredes ipsius post eum, uel is cui ipse eas dare uel legare voluerit, habeant et teneant predictas domos cum omnibus pertinenciis suis hereditarie, libere, quiete et pacifice, saluo seruicio quod exinde debetur annuatim ecclesie beati Petri apud Westmonasterium, videlicet, vno cereo de duabus libris cere singulis annis in translacione beati Edwardi. Quod quia decetero in dubium uel irritum uenire nolumus id ipsum presenti scripto et nostri pariter apposicione sigilli duximus confirmare. Hiis testibus, Alardo Lundoniensi et Ricardo Colecestrensi archidiaconis,[1] Ricardo de Storteford' magistro scolarum Lundoniensium, Alano capellano, magistro Benedicto, canonicis,

men all of whom were certainly attached to the chamberlains. Before 1174 it seems usual for treasure to be in charge of a single officer of the treasury, usually Eudes of Falaise, but sometimes Andrew or Baldwin (see references above, pp. 70–1): only on three occasions does more than one officer seem to be mentioned (*Pipe Roll* 16 *Hen. II*, p. 16; 18 *Hen. II*, p. 84; 19 *Hen. II*, p. 51). Even in 1174 and 1175 we find Andrew and Ralf, both clerks of the chamberlains, mentioned singly as being solely in charge of treasure (*Pipe Roll* 20 *Hen. II*, p. 135; 21 *Hen. II*, pp. 16, 200). All this is in harmony with our other evidence pointing to the special responsibility of the chamberlains for the treasure.

[1] Faustina A. III ends witnesses here and omits date.

Ricardo, Berengario, capellanis, magistro Thoma, Hugone de Wintonia, Iohanne de Waltham, Willelmo de Hedfeld, Radulfo de Graua, Thoma de Chimilli, Willelmo de Waude, clericis, Simone de Insula senescallo, Ricardo de Argentom', Roberto de Barneuilla, Oliuero de Argent[om], Ricardo de Lundonia, Iohanne Belet, Iohanne de Insula, Radulfo Ridel, Radulfo Blundo, Rogero Enganet, Albino, Henrico Sumer[i], Ricardo Testard, Ricardo de Westmonasterio, Roberto filio Gerini, Ada Mustard et pluribus aliis. Factum est autem hoc anno pontificatus nostri septimo.

Richard of Ely was elected bishop of London on 15 September, 1189, and consecrated on 31 December following. Since we do not know whether he reckoned his pontificate from his election or consecration, the limits of date of this charter cannot be placed nearer than 15 September, 1195–30 December, 1196. Among the witnesses the following call for remark. Hugh of Winchester "clericus thesaurarii" is found in *Pipe Roll* 7 *Ric. I*, p. 205, and John of Waltham "clericus thesaurarii" in *Pipe Roll* 2 *Ric. I*, p. 8. The next witness may be "Willelmus de Hadfeld' clericus Huberti Cantuarensis archiepiscopi" (*Chancellor's Roll* 8 *Ric. I*, p. 290 : cf. *Pipe Roll* 6 *Ric. I*, p. 176). Thomas of Chemillé is included among the "clerici de scaccario" in a deed entered in Westminster Abbey Domesday, fo. 629 (see above, p. 64, n. 1), and appears among a group of exchequer clerks in 1208 in *Rot. Litt. Claus.*, I. 112 : for other references to him see *Rot. de Liberate*, p. 52, *Rot. Litt. Pat.*, pp. 47, 49, 60, 78. Robert of Barneville was Richard of Ely's nephew, see Hist. MSS. Commn., *Ninth Report*, App. p. 33 (no. 440), *Report on Various Collections*, vii. 29. Albinus is probably the *computator* of other documents, Appendix V. and Westminster Abbey Domesday, fo. 352. Roger Enganet later acquired a messuage from William of Ely situate either in this or adjoining property (Hardy and Page, *Calendar to Feet of Fines for London and Middlesex*, I. 214 ; *Chancellor's Roll* 3 *John*, p. 105).

II. *The abbot and convent of Westminster confirm the foregoing grant* (*c.* 1196).

Westminster Abbey Domesday, fo. 363 (copy, XIV Cent.).

Uniuersis sancte matris ecclesie filiis Guillelmus dei gratia abbas Westmonasterii et totus eiusdem loci conuentus salutem eternam in Christo. Quos ecclesiarum necessitatibus vtiliores futuros esse conicimus eis in beneficiis promptius et deuocius prouidere debemus. Ea propter karissimo et speciali amico Guillelmo de Ely thesaurario domini Regis terras et domos quas tenuit venerabilis pater noster Ricardus Londoniensis episcopus in villa Westmonasterii, ab eodem episcopo dicto thesaurario donatas, ipsi et illi cui ipse eas assignare voluerit et heredes illius de nobis hereditario iure tenendas concedimus et sigillorum

nostrorum attestacione confirmamus, quas volumus eum tenere quiete, honorifice, pacifice, sicut vnquam memoratus Londoniensis episcopus melius et liberius eas possedit, ita sane ut singulis annis in translacione beati Regis Edwardi cereum vnum duarum librarum inde persoluat ecclesie nostre pro omnibus seruiciis, sectis, consuetudinibus et exaccionibus. Hiis testibus, magistro Ernulpho, Theobaldo de Fering' senescallo, Alano capellano domini Londoniensis episcopi, Rogero de Enganet, Ricardo portario, Thoma de Niewegate scriptore, Iohanne de Storteford', Willelmo capellano thesaurarii, Willelmo de Castello, Albino, Henrico Sumeri, Roberto filio Gerini, Ada de Esenden', Guillelmo de Waud' et pluribus aliis.

No less than six of the witnesses to this document attest Appendix I also: this cannot therefore be much later in date and the abbot must be William Postard (1191–1200). The first witness, master Ernulph, is termed elsewhere "frater abbatis" (Westminster Abbey Domesday, fo. 352). Thomas of Newgate and John of Stortford will be found in Appendix III writing the pipe and chancellor's rolls in 1197. John of Stortford is presumably identical with the chaplain of that name who witnesses a charter of bishop Richard's on 21 March, 1195 (*Monasticon*, IV. 82, no. 7). William de Castello appears as a clerk of the exchequer under John and Henry III (*Rot. de Liberate*, p. 62; *Rot. Litt. Claus.*, I. 98, 112, 116, 368, 441): he lived in the "vicus de Westmuster" the later King Street (Westminster Abbey MS. no. 17315). The fact that the treasurer has a private chaplain should be noted.

III. *A final concord is entered on the great roll of the exchequer before William of Ely the treasurer and others, 20 August, 1197.*

Cotton MS. Cleopatra C. VII, fo. 73 (copy, XIII Cent.).

Transcriptum cyrographi de Tappelawe quod scriptum est in magno rotulo Regis de vicecomitatu de Buckincham, scilicet in rotulo viij^{ui} anni regni Regis Ricardi Anglie in dorso rotuli.

Prior et conuentus de Meritona debent j. marcam ut scribatur in magno rotulo quod Willelmus de Turevile et Ysabel uxor sua remiserunt et quietum clamauerunt priori et conuentui de Meritona totum ius suum quod habuerunt in villa de Tapellawe cum pertinentiis, vnde placitum fuerat inter eos in curia Regis. Et quod idem Willelmus concessit prenominato priori et conuentui totam predictam villam de Tappelawe cum omnibus pertinenciis in perpetuam elemosinam, liberam et quietam ab omni exactione et seruicio seculari ad se et heredes suos pertinente, preter

seruicium duorum militum quod predicti canonici prefato Willelmo et heredibus suis facere debent, dando denario pro scutagio. Et per hoc seruicium idem Willelmus et heredes sui debent acquietare ipsos canonicos et totam predictam villam uersus capitalem dominum de omnibus exactionibus et seruiciis, saluo tamen forinseco seruicio domini Regis quod predicti canonici adquietare debent. Et quod ipse Willelmus concessit quod prefati canonici inperpetuum sint quieti de omni releuio, et quod habeant ius aduocacionis ecclesie eiusdem uille de Tappelawe et omnia alia iura et libertates in hominibus et redditibus et in omnibus aliis rebus. Et quod tota villa de la Penne, que dicebatur membrum de Tappelawe, cum omnibus pertinenciis suis, remanet prenominato Willelmo et heredibus suis, nec canonici aliquid clamare poterunt. Et quod nulla pars de bosco neque de prato de Cliuemers neque de alia re que sit inter terminos de Tappelawe [1] pertinet ad villam de la Penne, nec Willelmus nec heredes aliquam partem feni uel alterius rei inde poterunt exigere. Et quod canonici permittent fratres Hospitalis libere et quiete tenere tenementum de Elmeden'. Et quod Ysabel uxor prefati Willelmi recognouit in prefata curia quod nichil iuris habuit in prefata villa de Tappelawe, neque in dote neque in maritagio. Et quod pro hac fine et quieto clamio predictus prior et conventus dederunt prenominato Willelmo quadringentas marcas argenti et Ysabelle vxori sue tres marcas argenti. Et quod predictus prior remisit predicto Willelmo omnes querelas quas ante hanc concordiam habuit uersus eum.

Scriptum est hoc cyrographum in magno rotulo Scaccarii Domini Regis, scilicet in rotulo de Comitatu de Buckinchamsira, apud Westmonasterium, coram domino Willelmo de Ely Thesaurario Regis et Rannulfo Saresbiriensi Thesaurario, et coram Willelmo Curce,[2] Hugone Bardulf et multis aliis, a Iohanne de Stortheford' et Thoma de Niwegate, clericis et notariis Scaccarii, anno regni Ricardi Regis Anglie viij^{uo}, in die sancti Phileberti abbatis, scilicet vj^{ta} die infra octauas assumpcionis beate Marie Virginis Matris Dei, et anno Incarnacionis Domini M°C°XC°VII°, hac continuatione proxima precedente—Ioradanus de Walun' et Robertus filius eius reddunt compotum xx.libr' [*sic*].

[1] The entry on the chancellor's roll ends here: see *Chancellor's Roll 8 Ric. I* (Pipe Roll Soc.), p. 164.

[2] Cu^{r}ce.

The pipe roll of 8 Richard I is lost. The entry of this fine on the chancellor's roll is incomplete. The original fine, which has survived in a mutilated state, presents some interesting variants (printed Hunter, *Fines*, I. 157–8, and *Feet of Fines 7 and 8 Ric. I* (Pipe Roll Soc.), pp. 145–7). It will be noted that the fine was entered on the great roll of the exchequer a week after it had been levied in the *curia regis*. The composition of the court on each occasion should be remarked : Hugh Bardulf, only, appears to be present on both occasions.

IV. *The abbot and convent of Westminster grant to Robert Mauduit certain houses in Longditch, Westminster* (1195–1200).

Westminster Abbey Charter no. 17614 (original) : Additional MS. no. 28024, fo. 46*b* (copy, XV Cent.).

Nouerint presentes et futuri quod ego Willelmus Dei gracia abbas Westmonasterii et totus eiusdem loci conuentus, communi assensu et uoluntate, concessimus et presenti hac carta nostra confirmauimus Roberto Mauduit camerario domini Regis et heredibus suis in villa Westmonasterii domos nostras de Langedich, habendas et tenendas de nobis libere et quiete cum omnibus terris et pratis, quas scilicet Willelmus hostiarius abbatis Walteri ecclesie nostre concessit et dedit, reddendo inde singulis annis finabiliter infirmario nostro qui pro tempore fuerit vndecim solidos ad duos terminos, ad Pascha uidelicet v. solidos et vj.d.' et ad festum sancti Michaelis v. solidos et vj.d.' pro omni seruicio. Et est sciendum quod predictus Robertus et heredes sui reddent annuatim pro prefata terra ad firmam uille Westmonasterii duodecim denarios, et Iohanni filio Eadwardi et heredibus suis octo denarios, et Ricardo filio Eadmundi et heredibus suis octo denarios. Vt autem hec nostra concessio futuris temporibus stabilis et rata permaneat, eam presentis scripti testimonio et sigilli nostri appositione roborauimus. His testibus, Willelmo de Hely thesaurario domini Regis, Simone de Pateshill', Iohanne de la Wike, Andrea de Scaccario, Thoma de Windlesour', Willelmo filio Roberti, Rogero Enganet, Albino computatore, Roberto de Rokingham', Hugone de Fonte, Galfrido de Cruce, Iohanne filio Eadwardi, Stephano de Berking', Alexandro de Eie, Roberto de Fraxineto, Willelmo de Auenay, Iohanne filio Willelmi filii Roberti, Normanno Borel, Lodouico clerico de Rokingham' qui hanc cartam scripsit, et multis aliis.

The copy of the deed in the Beauchamp cartulary (Add. MS. no. 28024) is from Robert Mauduit's counterpart.

The abbot of this grant must be William Postard (1191–1200).: abbot Walter was his immediate predecessor. Simon of Pattishall who attests

after William of Ely is the well-known justice. John of Wyke appears to have acted as usher of the exchequer in 1195–6 (*Chancellor's Roll* 8 *Ric. I*, p. 290 : cf. Madox, *History of the Exchequer*, II. 274). Andrew of the Exchequer had recently bought the rights of William the melter during the minority of his heirs (*Pipe Roll* 4 *Ric. I*, p. 299). Thomas of Windsor was the weigher (above, p. 71, n. 2). William of Avenay is found in charge of treasure in transit from 1199 onwards (*Rot. de Oblatis*, p. 72 ; *Rot. de Liberate*, pp. 24, 61, 101) and Norman Burel in like employment in 1205 (*ibid.*, p. 12*b*). John son of William son of Robert may perhaps be John fitz William the exchequer clerk (above, p. 64, n. 1). Roger Enganet and Albinus we have met as witnesses to Appendices I and II. Louis of Rockingham is in some ways the most interesting of the witnesses. He was undoubtedly an exchequer clerk (Westminster Abbey Domesday, fo. 629 : above, p. 64, n. 1) and was employed like others in transporting treasure under John : he seems to be last mentioned in this connexion in 1207 (*Rot. de Liberate*, pp. 96, 107 ; *Rot. Litt. Claus.*, I. 74, 88) although he was apparently still employed in the exchequer in April 1208 (*ibid.*, p. 112) and was living under Henry III (Add. MS. no. 28024, fo. 21*b*). He seems to have been regularly employed by Robert and Isabel Mauduit to write their deeds (above, p. 65). One deed has survived (Westminster Abbey Charter no. 17108) which he wrote for someone apparently unconnected with the Mauduit household.

V. *Edward formerly reeve of Westminster grants to William of the Temple, clerk to Robert Mauduit, half a messuage in Tothill Street, Westminster* (*c.* 1196).

Harleian Charter 49 G. 30 (original).

Sciant presentes et futuri quod ego Edwardus quondam prepositus uille Westmonasterii dedi et concessi et hac carta confirmaui Willelmo de Templo, clerico Roberti Malduit domini Regis camerarii, dimidium illud masagium quod Galfridus presbiter tenuit in uilla de Westmonasterio, habendum et tenendum sibi et heredibus suis de me et heredibus meis cum pertinenciis suis hereditarie, reddendo michi annuatim duos solidis pro omni seruicio quod ad me uel ad heredes meos pertineat, scilicet ad Pascha xij.d' et ad festum sancti Michaelis xij.d'. Preterea idem Willelmus et heredes sui post ipsum inuenient singulis annis abbati Westmonasterii unum hominem per unum diem ad fenum suum leuandum uel ad blada sua colligenda ad cibum ipsius abbatis in eadem uilla, pro omni seruicio quod ad ipsum pertineat. Illud uero dimidium masagium iacet in uico uersus Tothill' inter aliam medietatem eiusdem masagii quam Adam de Sunebir' tenet et inter terram quam Wluiuia lotrix tenet. Concessi etiam et dedi predicto Willelmo et heredibus suis totam terram illam quam predictus Galfridus presbiter tenuit de Auitia

de Langedick', tenendam de me et heredibus meis hereditarie per seruicium sex denariorum annuatim reddendorum pro omni seruicio, scilicet ad Pascha tres d' et ad festum sancti Michaelis tres d'. Ego uero Edwardus et heredes mei warantizabimus predicto Willelmo et heredibus suis totum prenominatum tenementum integre contra omnes homines et feminas inperpetuum. Quare uolo quod predictus Willelmus et heredes sui post ipsum habeant et teneant totum predictum tenementum cum omnibus pertinenciis suis de me et heredibus meis, bene et in pace, honorifice, quiete et libere ab omnibus placitis et querelis et ab omni seculari exactione, per prescriptum seruitium. Et pro hac donatione et concessione et huius carte confirmatione predictus Willelmus dedit michi unum bisantium de gersuma. His testibus, Guillelmo de Heli domini Regis thesaurario, Iocelino Marescallo, Gaufrido filio Stephani clerico domine Regine, Iohanne de la Wich', Andrea de Scaccario, Thoma de Windeleshor', Guillelmo filio Roberti, Stephano de Heketona, Hugone de Wintonia, Willelmo de Walda, Willelmo de Castello, Rogero Enganet, Albino Computatore, Geruasio Scriptore, Alano et Petro Computatoribus, Ricardo Funditore, Ricardo Testard', Iohanne fratre suo, Nicolao filio Galfridi, Adam nepote Episcopi, Thoma de Rocheford' et multis aliis.

Edward the reeve witnessed two Westminster deeds of William Mauduit III (Additional MS. no. 28024, fo. 46*b*, 47*b*) which cannot therefore be later than 1195, by which year he was succeeded by Robert Mauduit. Nine of those who attest this deed we have already met in Appendices I, II, IV. The present document is doubtless of about the same date as those, while the presence of Gervase *scriptor* suggests a date not later than 1197. Gervase was the writer of the great roll of the exchequer, as we learn from grants of the land he owned near the castle of Munfichet in London (Hist. MSS. Commn., *Ninth Report*, App. p. 15 (nos. 1349, 1359); *Cal. Docts. France*, pp. 152–3). He is mentioned in the pipe roll of 1191 and previous years (*Pipe Roll* 3 *and* 4 *Ric. I*, pp. 112, 314; 2 *Ric. I*, p. 112; 1 *Ric. I*, p. 187). He has been identified on the one hand with the chancellor's clerk of the early years of Henry II and on the other with Gervase chaplain of Westminster who survived into the thirteenth century: see Stubb's Introduction to Gervase of Canterbury, pp. xxxix–xli. That Gervase *scriptor* was also called Gervase the chaplain is certain, but these identifications are conjectural, and Appendix III shows that two other clerks were writing the great roll in 1197. Jocelin Marshal who attests after William of Ely was a person of some importance in the exchequer. He appears to be the 'Magister Iocelinus de Scaccario' who witnesses a deed of Henry Marshal bishop of Exeter which can be dated 1194–8 (Westminster Abbey MS. no. 17312). He is included among the king's justices in 1201 (*Chancellor's Roll* 3 *John*, p. 14). He was a clerk of William Marshal's (*ibid.*, pp. 37, 107) and Madox was doubtless right in seeing in him the marshal of the

exchequer (*Hist. Exchequer*, II. 284) : but he is *magister* and a beneficed clerk (*Rot. Litt. Claus.*, I. 112, 189) and not *miles* as the *marescallus scaccarii* had been under Henry II (*Dialogus de Scaccario*, pp. 69, 71, 72). Master Jocelin seems frequently to have been engaged as attorney in the *curia regis* (*Curia Regis Rolls*, I. 277, 303, 337, 475, IV. 274, V. 9, 91), on one occasion for the earl Marshal (*ibid.*, IV. 215). On other occasions he is found conveying the orders of the justiciar in connexion with the business of the court (*ibid.*, II. 139, 175). With other officers of the exchequer he witnesses John's charters in 1213 (*Rot. Chartarum*, p. 189), and—if we may identify him with Jocelin of the Exchequer—he was dead by August 1216 (*Rot. Litt. Pat.*, p. 193). There is a reference to the "executores testamenti Magistri Iocelini Mariscalli" in 1219 (L.T.R. Mem. Roll 2–3 Hen. III (E. 368/1), m. 3d). Adam the bishop's nephew is doubtless the Adam Nepos R. Episcopi Wintoniensis who witnessed the purchase by William of Ely of a messuage at Enedhithe (Westminster Abbey Domesday, fo. 342*b*), and this suggests that Adam also was connected with the exchequer, for his uncle was Richard of Ilchester. He is also called Adam de Westmonasterio filius Henrici (Additional MS. no. 28024, fo. 46*b*, 48*a*). The presence should be remarked of three tellers and a melter, besides Andrew of the Exchequer who held a melter's office. For Ricardus Fusor see *Pipe Roll 7 Ric. I*, p. 210.

VI. *Agreement between the prior of Westminster and William Langlois for increasing a rent charge for the maintenance of the lights of the altar of the Blessed Virgin* (*c.* 1200).

Westminster Abbey Charter no. 17326 (original).

Sciant presentes et futuri quod ego Robertus de Mullesham prior Westmonasterii, assensu et voluntate tocius conuentus nostri, dimisi et concessi et hac presenti carta confirmaui Willelmo Anglico de Westmonasterio et heredibus suis vnum masuagium cum pertinenciis in villa Westmonasterii, quod masuagium iacet inter terram Gaufridi fabri ex una parte et terram Willelmi parmentarii ex altera, et quod masuagium predictus Willelmus Anglicus et Isabella vxor eius receperunt in feudo sibi et heredibus eorum de predicto Gaufrido filio Iocelini fabri et heredibus suis, per seruicium trium solidorum per annum pro omni seruicio et per gersummam quatuordecim solidorum. Redditum quorum trium solidorum predictus Gaufridus et heredes sui dederunt et concesserunt ad administracionem luminaris altaris beate Marie in ecclesia nostra pro xl. solidis, de quibus tribus solidis predictus Willelmus et heredes sui assignati fuerunt reddere mihi uel alii qui pro tempore esset custos predicti altaris, sicut carta ipsius Gaufridi testatur. Vnde sciendum est quod predictus Willelmus ante decessum Isabelle vxoris eius, assensu et uoluntate vtriusque, de predicto masuagio cum pertinenciis, beatam Mariam et custodem

altaris ipsius qui pro tempore fuerit, coram melioribus et legalioribus hominibus ipsius ville Westmonasterii, heredes fecerunt et constituerunt. Ego autem, vice gloriose uirginis et nomine ipsius altaris custodis, tanquam capitalis dominus concessi et dimisi et presenti scripto confirmaui predicto Willelmo et heredibus suis predictum masuagium cum pertinenciis, uel cui assignare uel dare uoluerit, reddendo inde singulis annis mihi, uel alii qui pro tempore fuerit custos predicti altaris, iiii.^{or} solidos et vi. denarios, vnde prius reddidit nisi tres solidos tantummodo. Habendum et tenendum sibi et heredibus suis uel assignatis, libere et quiete, integre et plenarie, per liberum seruicium predictorum iiii^{or} solidorum et vi denariorum reddendorum ad iiii^{or} anni terminos, videlicet ad Natale Domini tresdecim denarios et obolum, et ad Pascha tresdecim denarios et obolum, et ad festum sancti Iohannis Baptiste tresdecim solidos et obolum, et ad festum sancti Michaelis tresdecim solidos et obolum. Vt autem hec omnia securam firmitatem futuris temporibus obtineant, ego Robertus, uice gloriose uirginis et nomine altaris ipsius tunc temporis custodis, sigillum meum apposui parti carte cyrographate que remanet ipsi Willelmo et heredibus uel assignatis suis, et ipse Willelmus sigillum suum apposuit parti carte cyrographate que remanet penes me uel alium tunc temporis ipsius altaris custodem. Hiis testibus, domino Willelmo Eliensi domini Regis thesaurario, domino Roberto Mauduit, Iohanne de Storteford', Willelmo de Castello, Alexandro clerico, Ludouico clerico, Odone aurifabro, Henrico Sumeri, Ricardo filio Edmundi, Roberto de Claigat', Stephano de Berking', Roberto de Crokell', Laurencio Muschat et toto alimoto Westmonasterii.

The seal remains with the inscription S.WILL' LE ANGLEIS DECHECOER. This William seems identifiable with Willelmus Anglicus, a sergeant of the exchequer, who is found transporting treasure in the early years of John (*Rot. Litt. Claus.*, I. 12, 13, 16, 46, 59, 60, 63, 88; *Rot. de Liberate*, pp. 96, 107), and also with Willelmus Anglicus frater Thesaurarii mentioned in 1184 (above, p. 47, n. 2), who is possibly the Willelmus Anglicus who accompanied William de Bendenges to Normandy in 1179–80 (*Pipe Roll 26 Hen. II*, p. 148). The last mention of him seems to be in 1207, when he may be presumed to have died. The name, of course, was a common one: a contemporary was keeper of the king's wines (*Rot. Litt. Claus.*, I. 44, 57, 69, 138), and a little later we find a carpenter of the same name (*ibid.*, 178–9, 347, 356, 358, 368, 370).

When Robert of Moulsham was prior is not precisely known, but he was precentor 1197–8 and prior apparently under abbot Arundel (1200–14): see E. H. Pearce, *Monks of Westminster*, p. 46. Three of the witnesses attest also Appendix II, and it is probable that the present deed is not much later in date.

From his position among other exchequer officers, it is probable that Alexander the clerk was employed there, but it is impossible to identify him. He is probably the Alexander Clericus who acts as attorney in the *curia regis* in the early years of John's reign (*Curia Regis Rolls*, II. 103, 229, 248, III. 41, 43, 238, 305, IV. 97). He might be Swereford, but there was more than one exchequer clerk called Alexander, e.g. Sawbridgeworth and, probably, Refham (*Rot. Litt. Claus.*, I. 112, 441). Louis the clerk is doubtless Louis of Rockingham (see Appendix IV). Odo aurifaber, who is a frequent witness in Westminster Abbey deeds, is the well-known keeper of the works at Westminster: he owned property adjoining William of Ely's house (London County Council, *Survey of London*, XIII. 4, citing Cartæ Antiquæ Roll (C. 54) no. 34/5). He served his turn as reeve of Westminster (Harleian Charters 50 A. 32, 51 C. 47). Robert of Claygate is found in charge of treasure in transit in 1200 and 1206 (*Rot. Normanniae*, p. 24; *Rot. Litt. Claus.*, I. 74).

VII. *Agreement of William of Ely and William archdeacon of Huntingdon with Peter of Omonville regarding Peter's claim to be steward of the church of Lincoln and his debts to the Jews* (1209).

P.R.O. Ancient Deeds L.3250 (original).

Sciant presentes et futuri quod ego Willelmus Eliensis domini Regis thesaurarius et ego Willelmus archidiaconus Huntingdonensis debemus Petro de Amundauilla quadraginta marcas, scilicet x. marcas ei modo premanibus reddendas, xx. libras pro eodem reddendas domino Regi ad Scaccarium, scilicet annuatim x. libras donec ille xx. libre persoluantur. Et preterea in fide ei tenemur racionabile possum nostrum ponere erga dominum Regem quod, quamdiu domino Regi debuerit debitum ad Magnum Scaccarium, erit sine vsura de debitis que alibi debuit Iudeis dominica proxima post festum sanctorum Petri et Pauli anno regni predicti domini Regis xj°. Et uolumus ad noticiam uestram uenire nos ad hoc teneri pro quieta clamancia seneschaucie quam predictus Petrus clamauit de Ecclesia Lincolniensi. Hoc scriptum nostrum domino Girardo de Kanuilla saluo custodiendam [1] liberauimus.

This document is doubtless of a date little after Sunday following the feast of SS. Peter and Paul 11 John, that is 5 July, 1209. The curious ungrammatical forms will be noted. The deed was presumably drawn up on behalf of Peter of Omonville by an unskilful hand. Both William of Ely and the archdeacon of Huntington were members of the chapter of Lincoln cathedral, upon whose behalf they are here obviously acting.

[1] *Sic* MS.

VIII. *William of Ely formerly treasurer of the Kings of England grants to the monks of Westminster the houses which he had of the gift of bishop Richard III of London* (1217–1221).

Westminster Abbey Domesday, fo. 342*b* (copy, XIV Cent.).

Uniuersis Christi fidelibus ad quos presens scriptum peruenerit Willelmus de Heli quondam Regum Anglie thesaurarius salutem. Nouerint vniuersitas vestra me dedisse et hac presenti carta mea confirmasse Deo et monachis Westmonasterii, pro animabus Henrici, Ricardi et Iohannis Regum Anglie et pro anima Ricardi Londoniensis episcopi et pro salute anime mee, omnes domos meas et curiam cum pertinenciis, simul cum quodam stabulo quod non est de ipsa curia, in villa Westmonasterii, quas habui ex donacione Ricardi Londoniensis episcopi et que sunt de feodo Westmonasterii, habendis et possidendis inperpetuum, et totum ius quod in eadem curia uel domibus memoratis habui ipsis monachis quietum clamaui inperpetuum de me et heredibus meis, soluando autem predictis monachis quamdiu per licenciam ipsorum in ipsis domibus mansero, preter cereum duarum librarum quem pro eisdem domibus reddere consueui, vnam libram liberi incensi in Ascensione Domini racione huius mee donacionis et concessionis quam ipsis monachis feci de domibus et terris et curia cum pertinenciis suis, et vt hec mea donacio et concessio firma et stabilis perseueret, eam presenti scripto et sigilli mei apposicione roboraui. Hiis testibus, domino Pandulfo Norwycensi electo apostolice sedis legato, domino Huberto de Burgo iusticiario Anglie, domino Eustachio de Faucunberge domini Regis thesaurario, Roberto de Nouauilla, Thoma de Chimilli, Willelmo de Castello, Iohanne filio Willelmi, Alexandro clerico, Roberto capellano, Vliano Chesneduit senescallo Westmonasterii, Odone aurifabro, Iohanne fusore, Roberto de Cleygate, magistro Philippo, Ricardo Muschat, Petro de Ely, Radulpho de Chesewik, magistro Alano Coco et multis aliis.

The date of this deed falls between Eustace of Fauconberg's appointment as treasurer in the autumn of 1217 and his election to the see of London on 25 February, 1221 : the probabilities point to the beginning of this period. It may be noted that three of the witnesses, John fitz William, William de Castello, and Odo the goldsmith, attest a deed dated 18 June, 1219 (*Memoranda Roll 3 Hen. III*, pp. 464–5) The presence of Thomas of Chemillé, who is also found as a witness in Appendix I, will be remarked. Among other exchequer officers Peter of Ely should be noticed : he was one of the treasurer's sergeants and throughout the reign of John he was constantly engaged in transporting treasure (*Rot. de*

Liberate, pp. 24, 33, 37, 43, 53, 61, 66, 74, 100, 101 ; *Rot Litt. Claus.*, I. 20, 36–7, 63, 75, 87–8, 90, 105, 113–14, 116–18, 120, 127, 209). He owned a messuage at Westminster which had belonged formerly to Richard of Ely's chamberlain (Westminster Abbey Domesday, fo. 555*b*) : this may have been identical with the property in the road to Charing opposite Enedhithe which on another occasion he granted away (Westminster Abbey MS. no. 17317).

IX. *Ralf son of William of Ely grants his houses and grange in Westminster to Hubert de Burgh* (*c.* 1223).

Cartæ Antiquæ Roll (C. 52) no. 34/3 (copy, XIII Cent.).

Sciant presentes et futuri quod ego Radulfus filius Willelmi quondam regum Anglie thesaurarii dedi et concessi et presenti carta mea confirmaui Huberto de Burgo iustic[iario] Anglie omnes domos meas et grangiam cum pertinenciis que habui infra duas portas eiusdem Huberti in villa de Westmonasterio et quicquid iuris habui uel habere potui in eisdem domibus et grangia, scilicet illas domos cum pertinenciis que sunt contigue curie et domibus dicti Huberti que fuerunt Willelmi thesaurarii quondam patris mei ex una parte vie infra portas, et duas domos et grangiam cum pertinenciis que sunt contigue stabulo suo quod fuit dicti Willelmi patris mei ex altera parte uie infra easdem portas, habenda et tenenda eidem Huberto et heredibus suis uel cui ea dare, legare uel assignare uoluerit, iure hereditario, libere, quiete et integre, reddendo inde annuatim domino abbati de Westmonasterio et monachis ibidem Deo seruientibus ad translationem beati Edwardi unam libram cumin et vnam libram cere et ad Pentecosten unum denarium, pro omnibus seruiciis, consuetudinibus et demandis. Pro hac autem donacione et confirmacione dedit mihi predictus Hubertus decem marcas argenti premanibus. Hiis testibus, Martino de Patishull', Stephano de Segraue, Radulfo Harang', Galfrido le Saluag[e] et aliis.

The date of this document is evidently earlier than 19 February, 1227, when Hubert de Burgh was created earl of Kent. The deed which conveyed William of Ely's property to Hubert can be dated between November 1222 and April 1224 (above, p. 60, n. 1), and the conveyances of adjoining properties are witnessed by Richard fitz Renger, mayor of London (1222–7) (Cartæ Antiquæ Roll (C. 52) no. 34/5*a*, 5*c*). It will be noted that the four named witnesses to the present deed are all justices.

WILKINS'S *CONCILIA* AND THE FIFTEENTH CENTURY

By Professor E. F. Jacob, M.A., D.Phil., F.S.A.

Read 12 *November*, 1931

I

Hearne greatly disliked Wilkins. His diaries have many severe reflections upon the Prussian upholder of the dynasty he hated; to him 'that rascal David Wilkins', vain, mercenary and pushing, was the type of industrious pedant with little judgment who would edit and publish anything that he found remunerative, and spoil good material in the process.[1] This waspish temper, that at times vents itself in scandalous comments on Wilkins's private life,[2] may have partly resulted from the fact that Wilkins took up two enterprises with which Hearne had been in some degree concerned: a second edition of Humphrey Prideaux's *Marmora Oxoniensia* (which he never carried out, the work being ultimately entrusted to Michael Mattaire and published by him in 1732), and a new edition of Spelman's *Concilia*, 'the Councils', as Hearne always called them. The antiquary had been anxious to do both. He curtly refused help to Wilkins over the *Marmora*,[3] and in regard to the

[1] *Hearne's Collections* (Ox. Hist. Soc.), ii. 364 ('an ambitious, conceited man'); v. 97 ('he would fain be looked upon and accounted a very great Man'); *ibid.*, pp. 157, 260 ('knavish Hanoverian'); vi. 51 (Wilkins most deservedly 'put by' for the LL.D.); vii. 260, 283, 380 ('it seems, Wilkins will do anything for a Penny, and is guided and directed by the Booksellers'); viii. 385; xi. 296 ('all observe him to be very perfidious and false, and to be a very great enemy of the Church of England').

[2] *Op. cit.*, ix. 341; cf. his remarks on Wilkins's marriage with Lord Fairfax's sister (pp. 64, 134).

[3] *Op. cit.*, ix. 96, 126.

Councils he tells us that Atterbury had originally proposed the editing of Spelman to himself, " but it was after my retirement upon account of the Oaths ; and so I thought fit to decline and waive it ".[1] Naturally he was still interested in the project, and rather apprehensive about it after the way in which Wilkins had edited Selden's works (1726).[2] ' This vile editor ' was his comment then, and he acidly notes that Wilkins had been working upon the *Concilia* at a much earlier date, but had been ' put by ' by the Archbishop in favour of some other man.[3] To us Hearne's spleen is diverting, but unimportant. Of real significance, however, are his generally low opinion of Wilkins's editorial capacities and his statement of the sources Wilkins used. Let us consider the latter first.

In his diary Hearne frequently repeats what others tell him in correspondence : he was kept informed by his friends of most historical projects that were going forward, and sooner or later he was bound to be consulted over some point affecting Oxford collections. We need not doubt the substantial accuracy of his information, though it may fall short in the details. Hearne first heard of Wilkins's conciliar project in 1725 ;[4] from a second informant[5] he gathered that it was to be a revision of Spelman ' with large manuscript corrections and additions by Mr. Wharton ' and ' some other things that some of our learned men have left in MS.'[6] As 1732 drew to its close, he heard that Archbishop Wake was the promoter of the work. Of ' the Councils ', he writes :

> They are the Archbishop of Canterbury's own collections, that I hear Dr. Wilkins is to publish, and what they are may I suppose, in some measure be learned from the Archbishop's large book of Convocations.[7]

The large book of Convocations is, of course, Wake's *State of the Church and Clergy of England* (1703), of which more later. This report he confirms on 5 November :

[1] *Op. cit.*, xi. 115. [2] ' A most incorrect edition ' : ix. 135. [3] x. 22. [4] viii. 385. [5] Mr. Burton, in 1728 ; x. 22. [6] xi. 115. [7] xi. 119.

What I was lately told of an edition of our English Councils by Dr. Wilkins is well grounded. He is now employed in that work by the archbishop of Canterbury, Dr. Wake, first entrusted with Dr. Walker, who being better qualified for Classics, has dropt it, and left it to Dr. Wilkins, who is an industrious man and is skilled in Saxon &c.; but his materials are the Archbishop's own collections, who some time sent Mr. Baker a catalogue of the particulars which are very considerable, and it thence appears to be a great work, if well digested.[1]

This was a little less than a fortnight before Tanner wrote to Wilkins the extremely interesting letter on method recently printed by Professor Powicke, which speaks of 'your Noble work'.[2] But the most revealing note of Hearne on the subject comes next year:

I am also told that Dr. David Wilkins is publishing in folio all the British, Saxon and English councils and synodical Decrees, wherein will be included both Sir Henry Spelman's volumes. I find Archbishop Wake intended this work and made Collections for it, near thirty years agoe. I am sure Wilkins was upon it himself in Q. Anne's time, perhaps by the Countenance of Wake but was then hindered, being not thought to be a proper person.[3]

Now in the tables of contents beginning each volume of the *Concilia*, Wilkins has given documents one, two or three stars according as they hailed from Spelman, the Archbishop's collections or 'our own' (*ex nostris, sc: collectaneis*). For Wilkins's treatment of the later Middle Ages, and the fifteenth century especially, the second and third of these store-houses demand the closest attention.

Of crucial importance for the historiography of the *Concilia* are his relations with his patron, Archbishop Wake. For at least seven or eight years before the time when he

[1] xi. 123.

[2] *Sir Henry Spelman and the Concilia* (Publ. British Academy, xvi.), pp. 35–7.

[3] Hearne, *op. cit.*, xi. 285. Perhaps this was somewhere about 1709, when Wilkins was a young man of twenty-four and 'mightily caressed in London by the Archbishop of Canterbury, the Bishops of London, Sarum and Ely and Dr. Grabe', *op. cit.*, ii. 162.

became a member of the Archbishop's household (April 1716), when he was not busy with his works on Coptic or Anglo-Saxon, Wilkins was almost what we should call a professional transcriber and researcher. The jibe of Hearne that he would do anything for money is a jaundiced way of stating the fact that he was dependent upon the enthusiasm of antiquarian patrons. He certainly importuned them for employment, for he found living precarious. Writing to Bishop Nicolson of Carlisle in July 1715 John Chamberlayne observed that Wilkins had " lived a great while upon the hopes of my Lord of Canterbury's favour to him ". Tenison had proved disappointing and Wilkins now " allows me to tell your Lordship and by you the rest of his friends and patrons, viz. my Lords the Bishops of Lincoln, Norwich and Oxford, that if they continue in their kind resolutions of recommending him either to the King or the Archbishop, he will be a mere *tabula rasa*, susceptible of any impressions they please to stamp upon him ".[1] Lincoln proved his best friend, and Wake's translation to Canterbury was the beginning of his fortunes. " Before I left Oxford ", Wilkins wrote on 27 December, 1715, " I had the satisfaction of abundance of Tories wishing me joy on the Archbishop of Canterbury's promotion ; knowing that I have the happiness of his Grace's protection and favour ".[2] When Wake began to use the services of Wilkins on the revision of the *Concilia* it is hard to say ; but of one thing we can be tolerably certain : that the idea of a new and greatly enlarged edition of Spelman, though such a work was an obvious *desideratum* in the world of scholarship, only became fruitful because Wake had accumulated for his ' book of Convocation ' a great store of extracts and references, which could be systematically added to and enlarged in the succeeding years. In the collection of this material Wilkins was

[1] *Bishop Nicolson's Epistolary Correspondence*, ed. John Nichols (1809), ii. 430–1. " It cut him to the heart to be asked, as he was lately by a great man in a sarcastical manner, ' *What, have not your Whig friends provided for you ?* ' "

[2] *Op. cit.*, ii. 436.

employed,[1] both as a researcher, acting on his own initiative and reporting on this or that document to Wake, in case his patron should want it copied, and as a transcriber, writing out extracts from the registers of the Archbishops at Lambeth. Among Wake's letters in 1716 and 1717 are a number from Wilkins at Oxford which show the latter working in the Bodleian and the College libraries (and incidentally reporting in a very shocked tone on the Jacobite tendency of the younger masters) :

> I take the liberty to send your Grace an Extract of what relates to English Ecclesiastical History and Councels, taken out of the Catalogue of MSS. at Oxford. There are some tracts amongst 'em that don't directly relate to either, and others have appeared in print before. But I thought to leave out nothing your Grace's excellent design could have any reference to. After you've perused this extract, I expect your commands to get copied and collated whatever you are pleased to order, which shall be done with all imaginable accuracy.[2]

Until the middle of April, when he secured his promotion,[3] Wilkins repeatedly asked the Archbishop for orders. " I can not live easy here till your Grace pleases to employ me some way or other at my leisure hours, which at present and when I have finished my book [4] my whole time I consecrate to Your Grace's services." [5] " I beg your Grace not to take it ill, if I renew my request about the MSS. in the Bodleian, whether they are to be copied now my hand is in and my eyes used to that sort of writing." [6] In May, Wilkins reported upon the University College MSS. : " I found some considerable pieces relating to Chichester, and

[1] He did it ' tuo hortatu ', as he observes in his preface to the Archbishop (*Concilia*, I. ii.), when he gives an account of this Oxford period. He says he spent three years there before going to Cambridge.

[2] Arch. Wake, Epist. 20 (Misc. Letters, iv.). My thanks are due to the Wake Trustees and the Librarian of Christ Church, Mr. J. G. Barrington Ward, for facilities to consult this great collection.

[3] Wilkins's letter of thanks for the privilege of being taken into the Archbishop's family is dated 15 April, 1716 (Arch. Wake, Epist. 20).

[4] Wilkins's edition of the Coptic New Testament (1716).

[5] Wilkins to Wake, 21 Feb., 1715/16. [6] *Ibid.*, 11 April, 1716.

not mention'd in Spelman," he writes, and then enumerates them. " Your Grace has been pleased to order the first to be copied, which I am about now, and with your leave shall transcribe the rest too, as not extant in Spelman, which was the general rule your Grace was pleased to give to your Grace's ever dutifull son and most obedient humble servant, David Wilkins." [1] Not long afterwards we get some light upon Wilkins's use of Spelman :

> I find such important different readings in the MSS. which I've begun to collate with Spelman that I could wish to have either your Grace's copy or my own to write 'em in the margin as I go along. But doubting that your Grace can't spare y^r^ own, I'le write the alterations or various readings as accurately as I can upon a piece of paper, and when I come to London will add 'em, with your Grace's leave, to your own notes. I have two copies of Spelman at my service, one in the Bodleian and another out of Queen's, which serves me to collate whatever is not in the public library. Digby's MS. of the Templars is printed in Spelman. I shall collate it because it is a fine and ancient MS.[2]

In October 1716 he had nearly finished the Oxford work on Spelman and spoke of going up to London, amongst other things, " to restore Spelman [the Archbishop's Copy] collated with the best Oxford MSS. and to offer a specimen of about three score sheets copied out of the libraries here relating to your Grace's design ".[3] The recurring mention of the Archbishop's ' design ', his ' orders ',[4] and his ' collections ' leave it beyond all doubt that the material already collected for the *State of the Church* was being strongly reinforced, with a new issue of the Councils in view. Fortunately the Archbishop's collections survive. As they were Wilkins's main source for the second, third and fourth volumes of the *Concilia*, their scope and character should be realized.

[1] Wilkins to Wake, 20 May, 1716. [2] Ibid., 3 June, 1716.
[3] Ibid., 2 Oct., 1716.
[4] Ibid., 15 March, 1715/16 ; 12 Sept., 1716 ; 2 Oct., 1716 ; 25 Nov., 1716 ; 10 April, 1717.

Wake seems to have begun them while he was rector of St. James's, Westminster. There are twenty-four volumes in all : [1] they are almost exclusively concerned with the English Church after 1272. In some the pages are uniform in size, while in others transcripts on paper of various dimensions are bound in volumes which the Archbishop numbered alphabetically. There are two complete volumes of indexes. The nucleus of the collection is extracts from the records of Convocation in both Provinces, summonses, executive writs resulting from synodal action, abstracts of the proceedings, and, from 1356 onwards, a splendid set of transcripts from the Canterbury registers, where proceedings are fully recorded. It is likely that the six volumes of full transcripts (nos. CCCIV–CCCIX) were compiled after the publication of the *State of the Church and Clergy of England*, and so too the formularies numbered CCCXV and CCCXVI, together with the three books which the Archbishop called *Collectanea ex Registris Archivorum Cantuariæ*, consisting of extracts from the Archbishops' registers from the time of Pecham onwards. The volume (CCCXX) entitled *Collectanea ex Registris Exon.* was evidently put together while Wake was dean of Exeter (1702–3), and nos. CCCX, CCCXII and CCCXIV also appear to be comparatively early. In all these four there is a great deal of Wake's own writing, and they contain transcripts and notes addressed to him while he was still at St. James's. CCCXI has Wake's own selections from chronicles, documents in Prynne's Records, Cotton MSS. Cleopatra E. 4, 5, 6, and episcopal registers of London (from 1382), Lincoln (from 1294), Worcester (1269–1301) together with the register of the Prior and Chapter of Worcester (1304), Ely (1337), and Winchester. In CCCXII there are Oxford transcripts in Tanner's handwriting,[2] which Wake printed just as they stood, with the

[1] There are summary, but not always very accurate, descriptions in G. W. Kitchin, *Catalogus Codicum MSS. Ædis Christi* (Oxford, 1867), pp. 70–1.

[2] From C.C.C., Oxon, MSS. 154 and 183. They are addressed by Tanner to 'The Rev. Dr. Wake, Rector of St. James', Westminster'.

gaps left by Tanner, in his *State of the Church*;[1] Edmund Gibson's hand also appears in this volume. CCCXIV, in Wake's own writing, contains a great many notes from the Close Rolls. CCCXIII, which the Archbishop described as *Collectanea Synodalia Provinciae Ebor.*, seems also to have been collected for the earlier volume, for it contains a series of notes from the Carlisle registers sent by Bishop Nicolson to Wake in 1700,[2] and the extracts from the York Convocations in the Archbishops' registers[3] are in an abbreviated hand of the late seventeenth century. On the other hand, the volume laconically described as *Statuta Synodalia* (no. CCCXXIX) is the very collection of transcripts from the Bodleian and the Oxford College libraries done by Wilkins in 1716 and 1717, to which reference was made above. This important book, in a very full sense an Oxford book, makes it possible to trace Wilkins's hand in the transcription of Latin documents elsewhere in the collection. His transcribing hand, if it may be so called, is more formal and regular than his epistolary hand; but it is clearly and unmistakably his own, easily recognizable wherever it occurs, though becoming more stereotyped as he got deeper into the work.

A detailed examination of these Wake volumes shows that David Wilkins concerned himself (apart from the

[1] Appendix, pp. 57–58, 90–98.

[2] Fos. 439 *seq.* At the end of the transcripts Nicolson writes thus (fo. 452): 'Here, Sir, are the transcripts which you desir'd. I have (as I told you in my letter by the last post) seen some of 'em in the Extracts which my cousin Pearson made for you out of their Register-Book of Transactions *sede vacante*: But, even in these, you will find some difference in words mistaken by the Clerks, and the compareing 'em together may be of some use to you. I am afraid what you had from Durham was in too contracted a manner to be very serviceable to you. Am sure the notes which Mr. Rowel sent hither were extremely concise; and, if I understand him right, they are the same which both you and Mr. Atterbury had from him. Mr. A. (you see) thinks it worth his while to view the Records, and other evidences, himself, tho' I do not believe that he will be much wiser by any searches he makes in his own person, I heartily wish you had taken leisure for the like methods. I should then have hoped for the happiness of seeing you in this Diocese; which is a favour which (I perceive) your Adversary does not design me.'

[3] Fos. 43 *seq.*

Oxford volume) mainly with the registers of the medieval Archbishops of Canterbury; and well may he have done so, since he was Librarian of Lambeth from 1717 to 1720 or thereabouts (it is difficult to be precise about the latter date). For the record of Convocation he began with Islip's register, fo. 111,[1] and worked on till 1413 (Arundel). Then another transcriber did the part from 1415 to 1425, when Wilkins took up the record again [2] till 1428.[3] The other copyist did the 1428 Convocation, after which Wilkins shares with his colleague the rest of the fifteenth century. None of the Convocation record after the fifteenth century is in his hand, for his task was to search the medieval registers for all matter of importance bearing, even remotely, on Convocation. The result is a great part of the Canterbury formulary (nos. CCCXV [4] and CCCXVI [5]) and the admirable series of *Collectanea* from the archiepiscopal registers (CCCXVII, CCCXVIII, CCCXIX) noted above, which are entirely in his hand. Wake supervised the whole, put the dates in the margin and himself wrote the headings (given marginally in the registers themselves) in a bold hand, inset within each entry. One may picture the Archbishop and his laborious librarian at their joint task. In view of certain complaints which will have to be made later against the text of Wilkins when he comes to deal with the fifteenth century, it is worth observing that the transcripts are both full and, for the time, tolerably accurate. It was in the editing rather than in the transcribing that things later went wrong.

If these are the Archbishop's, what then are *nostra collectanea* of which Wilkins speaks? Hearne gave him no credit for them, but they certainly existed, even if Wilkins was, as there is reason for thinking, dependent for the bulk of his *Concilia* in the later medieval and the Tudor period upon Wake's initiative and Wake's papers. Does he call *nostra* what he himself transcribed, whether it occurs among Wake's volumes or not? The answer must be in the nega-

[1] CCCIV, fo. 101. [2] CCCV, fo. 219. [3] CCCV, fo. 283.
[4] Fos. 1–407. [5] Fos. 301–517.

tive. There are plenty of his own transcriptions to which he affixes two stars in his list of contents: he respects Wake's volumes as the Archbishop's property, as a great collection to which he owes an immense debt: as he himself says in his prefatory letter (vol. i):

> Quanta cum industria ac fidelitate codices Tuos evolverim, quantoque cum judicio ac methodo res in conciliis gestas ex ingenti schedarum Tuarum mole, quas vel ipse descripsisti, vel descriptas examinavisti, congesserim, uno intuitu dignosces.

Res . . . ex ingenti schedarum Tuarum mole congesserim is perhaps the clue, showing us that we must take *collectanea* in a very wide sense to include copies and notes made from Wake's collections. An example may be drawn from the long *Acta contra Templarios*, in the second volume of the *Concilia*.[1] This is given three stars as coming out of his own collections. Now this document is the first large entry in Wake CCCIV. Here it is headed in the Archbishop's writing 'Ex MS. in Bibl. Bodl.' In the transcript the *Articuli contra singulares personas*[2] do not occur, but instead a reference is given in the hand of Tanner to vol. ii of the *Monasticon*, p. 561, where they are to be found. Wilkins prints these articles in full, but does not place them correctly in his text.[3] So too in the *Concilia* version he changes the order of the opening part of Wake's transcript, which begins, in another hand, with Clement V's Bull of Inquiry. Evidently therefore what he has done has been to take this transcript, edit it in the light of his own notes made in the Bodleian, and with the help of Tanner's reference: and eventually to claim a sort of paternity for his adopted child. Here he is reporting upon it to the Archbishop:

> In looking over the MS. F. 5. 2 Bodleian which contains the Acta contra Templarios in Anglia et Hibernia, I found the inclosed sheet, which is a continuation of the transcript your grace has of this MS. Your amanuensis without doubt drop'd

[1] Pp. 329–93.

[2] *Concilia*, II. 331 f.

[3] They should more correctly have been printed at the end of the first paragraph in *Concilia*, II. 333.

it, and I am very glad to have supply'd the conclusion which is wanting in your Grace's copy.[1] There is another MS. of the Templars in the Bodleian, Digby 154, which your Grace was pleased to order me to copy. I took it this morning to my study in the Bodleian gallery and I shall go about it to-morrow.[2]

In the *Concilia*, Bodley 454 alone is quoted as the source. Do these facts imply that Wilkins made another transcript for his own use? It is most improbable. Wilkins has taken the Archbishop's copy and re-handled it.[3] So too in the case of the archiepiscopal registers of York: but here Wilkins follows, almost verbatim, the notes on the Northern Convocations that occur in Wake CCCXIII;[4] yet most of these entries are given three stars. In this instance it seems likely that Wilkins made a copy, for his own use, of the extracts sent to Wake by a northern correspondent.

If Hearne is right, Wake had considered other possible editors before ultimately pitching upon his old amanuensis and librarian. There was no urgency; though in 1714 Bishop Nicolson had emphasized the need of a new edition of the Councils,[5] it was the eighteenth century, and a spacious

[1] This sheet has been inserted, still loose and unnumbered, but in its correct place, in Wake CCCIV. It may have been overlooked when the Archbishop had the transcripts, which make up this volume, bound.

[2] Arch. Wake, Epist. 20. Wilkins to Wake, 30 May, 1716. F.5.2. = MS. Bodley 454 (*S.C.* 2409).

[3] A similar case occurs over the Oxford Articles of Reform in 1414 (*Concilia*, III. 360 *seq.*). Wake had printed Tanner's transcript of them from C.C.C., Oxon, 182, in an Appendix to his *State of the Church*. He wrote in the margin of his own copy (now in Christ Church, Wake MS. CCC, p.89), which Wilkins doubtless used, a reference to another copy in the Cottonian Library 'in fasciculo Oxon'. Wilkins followed up this reference, and collated the C.C.C. text with that of the 'Oxford bundle' (Faustina, C. VII). He then felt justified in giving this extract his three stars (*Concilia*, III. viii., erroneously paged as 358, *rectius* 360).

[4] Fos. 43 *seq.*

[5] *The English Historical Library*, 2nd ed. (1714), 101. "We wait impatiently for a New Edition of these Councils: and the Worthy Undertaker (if God please to bless him and us with the continuance of his Health) will amply answer our Expectations. He will be able (out of Junius' Collection and other dormant Manuscripts) to make large additions; and to insert them, appositely translated, in their proper places. He'll finish the Pains which Mr. Somner long since took to collate all the Saxon Pieces (already printed) with the Original MSS., and to correct the Trans-

work could not be hurried. But once the decision about the editor had been made, reasonable latitude had to be given him. Although Wake did a great deal of the collecting and was originally responsible for the ' design ', there is no evidence to prove that the great book took the form which the Archbishop had planned. Wilkins did much collation and insertion on his own initiative both before and after 1726, the year when he finished his edition of Selden's works. We find him in 1731 borrowing manuscripts from the cathedral library at Durham, the books being brought to London by Bishop Chandler, who had given security for them to the Dean and Chapter.[1] His literary relations with the leaders of the Church and other learned men he sets out with great clarity at the beginning of the *Concilia* in his Latin preface addressed to Wake. He says that before three years had passed since he left Cambridge (he was there in the summer and autumn of 1717, bringing the present date to somewhere early in 1720) he secured access to the Bishop of London's Archives, and received " full authority to make excerpts of everything relevant to our purpose ". Bishop Chandler of Durham helped him in the way noted above and secured for him a copy of the Durham College (Oxford) Statutes from Dr. Christopher Hunter's collections ; Bishop Richard Reynolds of Lincoln supplied him with transcripts ; Stephen Weston of Exeter helped him to revise earlier and faulty copies of Exeter material ; and ready with advice and council at all times, was Thomas Tanner (" whom all regard as the living treasure-house of our antiquities "), who allowed him to transcribe Bishop Ussher's emendations to Spelman and gave him access to Sancroft's manuscripts dealing with Convocation. John Walker, archdeacon of Hereford,

lation. He'll give us necessary prefaces to the whole, subjoin a convenient Glossary, and (in a word) do all that's requisite to the rendring of such a work as compleat as we can do with it."

[1] *Hist. MSS. Comm. 6th Rep.*, p. 468. These are B. IV. 18, B. IV. 24, B. IV. 26, and B. IV. 41. B. IV. 26 Wilkins used for the acts of the Provincial and the General Chapters of the Black Monks in 1422 and 1423 (*Concilia*, III. 413–17, 419–27). He acknowledges this help in his preface to Wake (*Concilia*, I. ii.).

assisted him with faulty or corrupt passages in the texts,[1] and John Lewis (of topographical fame) sent him extracts from the Public Records. He himself had inserted much from the Royal MSS., from the Cottonian and Lambeth libraries, from the records of Canterbury and Somner's manuscripts.[2] Here is no *tabula rasa*, but almost an official historian of the English Church, using his own initiative in selection and building his monument with the co-operation of the best craftsmen of his day. What then of his collections? The miscellaneous papers now in the Bodleian Library mainly bear upon Wilkins's Oriental studies;[3] only one volume is of direct interest for the *Concilia*, a collection of transcripts of Councils made either by or for Sir Henry Spelman, with some material by Tanner inserted.[4] Wilkins's papers appear to have passed to his brother-in-law, Robert Fairfax, later seventh lord Fairfax of Cameron, and were kept at Leeds Castle. They do not figure in Christie's sale list when the Leeds Castle books and papers were sold by auction in 1831;[5] but they passed about that time or soon after into the library of Sir Thomas Phillipps, and were sold by auction at Sotheby's on 8 June, 1898,[6] for sums varying from two to seven shillings a lot. Among these papers was a volume of Wilkins's notes and documents for a continuation of Tanner's *Bibliotheca Britannica*, for the original publication of which he was responsible. If it is possible to investigate these important *collectanea*, the literary succession Spelman–Tanner–Wilkins should become clearer than at present. Wilkins had gathered into his own hands much that Tanner in the course of his lifetime had accumulated, as the Phillipps sale shows,

[1] "Felices pro sagaci, quo pollet ingenio, addendo emendationes." Did he perhaps write some of Wilkins's more notorious abbreviations?

[2] *Concilia*, I. ii.–iii.

[3] MSS. Add. A. 179–84 (*S.C.* 28413–18). These were bought from the Leeds Castle sale.

[4] MS. Add. C. 64 (*S.C.* 28419).

[5] *List of the Books and Manuscripts . . . removed from Leeds Castle* (London, 1831), no. 23.

[6] *Bibliotheca Phillippica* (Sale Catalogue of June, 1898, Sotheby & Co.), p. 98. No. 504 was a volume of Wilkins's collections for the *Concilia*.

and at Leeds Castle for nearly two hundred years lay the evidence for this close dependence of one scholar upon another.

To conclude this section of our enquiry, we may say that the *Concilia* was in the first instance due to the initiative of Archbishop Wake, who appears to have planned a considerably augmented revision of Spelman ; that Wilkins, though not its official and recognized editor till after 1725 or thereabouts, and though engaged in other work of his own, throughout his early days gave up much time, either at Archbishop Wake's instructions or on his own initiative, to the transcription and collection of material ; that over and above the already existing *corpus* of glosses upon Spelman [1] he drew largely upon Wake's collections originally made for *The State of the Church* which he himself had helped to continue both at Oxford and at Lambeth, and supplemented them by material of his own, and that he owed much, both in counsel and in material, to Thomas Tanner. The work therefore is in a sense a great co-operative continuation of Spelman, originally planned by an English primate and completed by an Archdeacon who began life as a Prussian stranger working for pay.

II

The debt of Wilkins to Wake for material covering the fifteenth century is obvious to anyone who studies the Archbishop's collections. The convocation transcript is there in considerable fullness, made, if the view taken above is right, while Wake was still directing the course of the work, but made, none the less, in large measure by Wilkins. The extracts from the bishops' registers are there, and the notes from the archiepiscopal registers of York. If we take, as one instance, the years 1413–16 inclusive, in the *Concilia*,

[1] And Spelman's own notes ; for, as Tanner put it : " If it be expected that your Edition should render Spelman perfectly useless, it will be convenient then to take in all his *apparatus* and notes, to which you may make proper strictures and additions." Powicke, *Sir Henry Spelman and the Concilia*, p. 36.

and compare the documents there with the Archbishop's volumes, we shall find, whatever the state allotted by Wilkins in his summary of documents may tell us, that Wilkins's only additions to the Wake material are from Cotton Faustina C. VII and the *Scotichronicon* of John Fordun (in the edition of Hearne). Even the composite entry under a misleading reference ('ex Reg. Chicheley, fols. 126 *seq.*') that records the convocation of 1 October, 1414, is put together from two extracts from the Archbishop's volumes.[1] Wilkins's frequent use of the Exeter registers is explained by the volume of notes and transcripts made at an earlier date by Wake. But if the general conclusions about the character of the work which have just been given are correct, there is no need to criticize Wilkins on this account: he did not set out upon a greater task than he has performed. What, for our purpose, is of more importance is Hearne's general opinion of Wilkins as an editor in the more restricted sense of the term: as one whose duty it was to print texts accurately and in the right chronological order and to distinguish between the authentic and the spurious. When Hearne charges the German scholar with lack of judgment, it is doubtful whether he was thinking of Wilkins's merits or defects as a historian: he was comparing him in his own mind with antiquarians of the calibre of Dugdale or Tanner, and asking whether he reached that standard. Like Hearne, we may leave for a moment the larger question of Wilkins's historical abilities,[2] and examine certain examples of his methods in fifteenth-century chronology and textual scholarship.

It will be noticed that Wilkins, like Spelman before him and Bishop Stubbs after him, from time to time inserted passages from the Chroniclers that give an account of a synod or

[1] *Concilia*, III. 358, combining Wake CCCXVI, fo. 165 (the writ of summons, also printed in *State of the Church*, App., p. 87), and CCCXV, fos. 331–333 (royal writ for collection of the grant made by this Convocation from Reg. Chichele, II. fos. 125 v–126).

[2] It should not be necessary to refer the reader to the observations of Haddan and Stubbs on Wilkins's first volume.

council not mentioned or not adequately described elsewhere. One of these, taken from the Continuator of the *Eulogium Historiarum*, whose accuracy Wilkins has apparently made no attempt to estimate, occurs under the date 1408 and the heading *Synodus Oxoniensis*. " This year ", writes Wilkins (in Latin), " in the presence of King Henry, a Synod was celebrated at Oxford ", and he goes on to quote with several misreadings the passage from the Continuator's text (Galba E. VII). The Continuator under 1408 states [1] that the Synod was composed of exempt and non-exempt clergy, except the mendicant orders. The King was present in this gathering

where [I quote the Continuator as printed by Wilkins] they closed his hands, that is, the hands of the Pope, so that he might not be able to give away any benefice in England nor receive one from England ; ordaining, moreover, that all debts to the papal *camera* shall be kept in England until there shall be one head only in the Lord's Church. After a few days the Cardinal Francis, Archbishop of Bordeaux, came to England to treat for peace. The clergy this year ordained that no clerk in charge (*curatus*) should admit any secular or religious priest to preach in his church under pain of excommunication and deprivation, unless he showed letters of licence from the Bishop of the same diocese.

Here Wilkins leaves off, but the Chronicler continues,

or of the Archbishop of Canterbury ; which letters, whosoever wishing to possess, should present himself to the Bishop of the diocese where he was intending to preach, or should secure his licence and receive it gratis. This statute was ordained against Lollards and illiterate preachers and vicious friars (*fratres vitiosos*).

Wilkins *in the same entry* then continues :

Legatine Council of London. About this the Continuator of the *Eulogium* manuscript says ' after a few days [that is, Wilkins explains, after his arrival in London and after (*sic*) the Synod of Oxford] the Archbishop of Bordeaux as legate sum-

[1] *Eulogium Historiarum*, ed. Haydon (Rolls Ser.), iii. 412.

moned a Council of the Bishops of England, Scotland and Ireland and the clergy, and making a speech in the King's presence, he took as his theme *The word is to thee, O King*, and notably pleaded the cause of the Church ; to whom definitive reply was made that the English promised their assistance to the Roman Church to further her union, etc.[1]

Now eight pages further on Wilkins prints from the texts of three manuscripts the Constitutions of Archbishop Arundel on the subject of unauthorized preaching and the dissemination of Lollard doctrine, which were published in the Convocation that met in St. Paul's on 14 January, 1409 (according to the old style, he naturally calls this 1408). In referring to one manuscript, formerly in the Bishop of Ely's library, now in the Cambridge University Library (Gg. VI. 21), which gives these Constitutions, he notes that the date of the Convocation is put back to 1407 and remarks in a footnote : " these Constitutions were put forward in the Provincial Council of Oxford and promulgated again in this London Council, where they received their sanction." [2] It did not occur to him to view the passage of the Continuator in conjunction with the date in the Cambridge manuscript, and to ask whether the Continuator was right in assigning the Council to 1408, since (1) the King does not appear to have stayed at Oxford in 1408, as the Continuator, and Wilkins following him, would appear to believe ; Henry IV arrived at Oxford from Gloucester, when the privy seal remained, on 5 December, 1407,[3] and stayed there till 11 or 12 December,[4] and Wilkins has himself printed the summons to Convocation there on 28 November, 1407 [5] ; (2) there was no meeting of Convocation to draft anti-Lollard measures in 1408 ; the agenda for the Oxford meeting of 1407 is given in Bishop Mascall's Register, and concerns precisely the matters treated in Arundel's

[1] Wilkins leaves out " to go as well as to send to the General Council."
[2] *Concilia*, III. 314.
[3] *Cal. Pat. Rolls*, 1405–8, 417.
[4] *Ibid.*, p. 392.
[5] *Concilia*, III. 306.

statutes—the licencing of preachers[1]; (3) the letters of Archbishop Arundel in April, 1409 and 1410, both printed by Wilkins,[2] put it beyond all doubt that the Constitutions promulgated at St. Paul's in January, 1409, were the "Constitutions published in our provincial Synod at Oxford". Thus the date of the Cambridge manuscript appears correct, and Arundel's Constitution upon preaching must have been drafted in the Oxford Assembly of November–December 1407, and, perhaps on the analogy of the Provisions of Oxford in the thirteenth century, published again at St. Paul's in 1409. We can thus rule out both 1408 and 1409 for the Oxford meeting. Now let us return to the entry in the *Eulogium*, noting from the record of Convocation, printed by Wilkins himself, that the embargo on all first-fruits and rents passing out to Rome was agreed upon in Convocation on 27 and 28 July, and made public on 29 July, 1408.[3] The Continuator has evidently failed to distinguish clearly and chronologically in his narrative between (1) the Oxford meeting on 28 November, 1407, (2) the Convocation beginning 23 July, 1408, (3) Uguccione's reception and speech before an unusually large assembly in November 1408. Wilkins has been misled by the Continuator into inventing a 1408 assembly at Oxford and has still further telescoped the Continuator's narrative. He has been confused by the repeated *post paucos dies* of the Continuator, which he interlards with the account of the anti-Lollard measures. The Continuator's editor in the Rolls Series was also similarly misled into dating the Oxford Council 1409, an utterly impossible date; but his general competence can be gauged from the fact that he confuses David Wilkins with John, the seventeenth-century Bishop of Chester.[4]

[1] *Reg. Roberti Mascall* (C. and Y. Soc.), pp. 105–6. The summons to the Council at Oxford occurs in Bishop Repingdon's Register, Lincoln Register 15, fo. 23*d*, a reference kindly supplied by Canon Foster.

[2] *Concilia*, III. 320, 329–30.

[3] *Ibid.*, III. 309–10.

[4] "Bishop Wilkins has taken from it (the Continuator's narrative) his account of the Councils of Oxford and London in A.D. 1408 and A.D. 1409." *Eulogium*, III. li.

Often Wilkins is right in his dating, but on grounds that are, to say the least, impressionistic. Let us pass on a little to the well-known letter from the University of Oxford to Archbishop Arundel that contains 267 heretical articles distilled from the writings of Wyclif. They are taken from Cotton, Faustina C. VII. Wilkins, who dates the document 1412, says in a footnote that the year is not given, but

> since many things which were done in this Convocation are omitted from Arundel's Registers and because the treatises and conclusions from heretical books ought to follow here, we thought it right to insert them.[1]

Wilkins is unquestionably correct in doing so; but is it pedantic to ask why he did not trouble to secure some confirmation for the conjecture from the University that sent the articles? He made use of Oxford University Register F; he might also have discovered from Register C (the Junior Proctor's Book, written for Richard Fleming while he was in office in 1407 and continued by his successors) a direct reference to the articles condemned at London in the Convocation of 1411 (that is, March 1412).[2] A similar reference is to be found in Register B, the Senior Proctor's Book, where it occurs in the oath to be taken by all persons at their graduation.[3] The anti-Lollard statute in the Junior Proctor's Book, now printed by Mr. Gibson, states that in order to prevent people alleging ignorance of these articles, all the aforesaid conclusions condemned at London, together with this special penal statute, are to be registered in the Common Library of the University, " in a certain book from which the Heads of Halls and others who so wished might easily have a copy of the same ".[4] One of those who so wished was evidently the Carmelite compiler of the famous Bodleian manuscript e Museo 86, partly printed by Shirley in the *Fasciculi Zizaniorum*. This was the book, once in

[1] *Concilia*, III. 339.
[2] *Statuta Antiqua Universitatis Oxoniensis*, ed. S. Gibson, p. 221.
[3] *Statuta*, pp. 222–3.
[4] *Fasciculi Zizaniorum*, ed. W. W. Shirley (Rolls Ser.), p. lxxiii.

Bishop Bale's possession, which passed into the hands of Sir Thomas Bodley and from which the articles are transcribed, probably for the benefit of Thomas Netter who held a watching brief at the Council of Constance on behalf of Henry V. Five of the articles in the original list are omitted from the Bodleian version, as Anthony Wood's collation shows. The manuscript is the outstanding Oxford *corpus* of Lollard conclusions and it is surprising that Wilkins, for all his close touch with the Bodleian and with Bishop Tanner, did not secure any collation of it, either for dating or for textual purposes.

This raises a very important point in the criticism of Wilkins: the value of his texts. Scholars like Professor Hilda Johnstone have recently pointed out his shortcomings in this matter. My own feeling about Wilkins as an editor of *later* medieval documents is that everything depends on what sort of document it is that he is handling. The text of enactments he is likely to render pretty accurately: it is in *acta*, the narrative of proceedings, or in the arrangement in right chronological order of a documentary series, that he falls short, through his tendency to neglect alternatives which ought to be collated for additional information. He is on comparatively safe ground, for instance, when he copies from the collection of Lichfield diocesan constitutions in Vitellius A. X to illustrate the statutory activities of William Heyworth and Reginald Butler [1]; for the manuscript was in all likelihood written by a member of the chapter, Roger Wall,[2] and the variants from the texts of those enactments in Heyworth's and Butler's episcopal registers at Lichfield are only slight. But it is otherwise when under 1422 Wilkins prints the *acta* of a special Provincial Chapter of the Black Monks at Westminster.[3] Here other texts, notably P.R.O.,

[1] *Concilia*, III. 508–11, 571–2.

[2] On whom, see C. L. Kingsford, *English Historical Literature in the Fifteenth Century*, p. 62.

[3] *Concilia*, III. 413 *seq.* The Durham MS. used by him gave the date 1422. The correct year is 1421. See W. A. Pantin, "Chapters of the English Black Monks, 1215–1540." *Trans. Roy. Hist. Soc.*, 4th Ser., vol. X, p. 254.

E. 135. 1/2, have come to light which add considerably to our knowledge of the royal attitude towards the reform of the Benedictines and of the transactions at that conference. Mr. Pantin, who has made a careful study of the documents, has pointed out to me the importance of the Public Record Office text for the little historical summary it gives of the proceedings and for its alternative version of the discussion held by the king's representatives with those of the Black Monks. Apart from the omission to seek alternative texts, it is not always clear what Wilkins means by collation. When he says that a text is 'collatus cum . . .' it seems to imply either that he has compared the text named with the one he is printing and inserted the *variæ lectiones* in footnotes or that he has simply looked at the other text and done no more about it. One fears that the latter has sometimes been the case.[1]

All these points emerge in his treatment of the letters concerning Martin V's attempt from 1426 to 1428 to secure the abolition of the Statute of Provisors by overawing Archbishop Chichele. A copy of this series had been made, many years before Wilkins printed it, by Henry Wharton, 'out of an authentic register'[2] he says; and another copy, though not containing every item in the correspondence, had been made for Sir William Petyt and was (and still is) in his collection of manuscripts.[3] Wharton's remarks upon a certain passage in the text of Burnet's *History of the Reformation*,[4] when this episode is alluded to, lead one to think that he did not copy the letters from the Ashmole manuscript which Wilkins used, and Sir William Petyt's transcriber certainly used another and, in some ways, superior source. Two transcripts of at any rate some of these letters were, therefore, already in existence when Wilkins came to deal

[1] E.g. *Concilia*, III. 472–3, where he has inserted the *variæ lectiones* under the second, but not under the first of the documents numbered II and III.

[2] Quoted in *Burnet's History of the Reformation*, ed. Pocock (Oxford, 1864), IV. 153 n. See Pocock's valuable note to illustrative document, XXXVII, p. 148 (to Book II, part I, p. 110).

[3] Inner Temple, Petyt MS. 55, fos. 85–99 v.

[4] Note 2.

with them. He copies the series, he says, 'Ex registro Caroli Booth, Episcopi Herefordensis, penes Eliam Ashmole, armigerum, fol. 61' (the old foliation, now 226 in the whole volume, Ashmole 789). This is a most interesting and difficult manuscript which has never yet received an adequate description.[1] It is only Bishop Booth's Register in the sense that he gave the volume to the Cathedral registry at Hereford, where he wished it to remain.[2] Its abundant diplomatic material relating to France and the English claim to the French crown suggests that it was in part a book of *evidencie regales* [3] such as are several times mentioned by Thomas Elmham in his life of Henry V, that is of documents accumulated to fortify the English case, and it is quite possible that Thomas Bekyngton, later bishop of Bath and Wells, then in the service of Humphrey of Gloucester, had something to do with the compilation; for the volume contains the narrative, printed by Sir Harris Nicolas, of his journey to Gascony in 1442, besides a considerable number of his letters. These latter are included in the formulary which fills fos. 164 v–360 of the manuscript. It is a genuine formulary, for the letters it contains are in no sort of chronological order. They are evidently chosen for their utility and elegance as models and are primarily letters to and from the Curia—which explains why the book was given to a cathedral registry.

The main facts of the Martin–Chichele dispute should be recollected before we examine Wilkins's treatment of the letters. Martin V began to solicit the two archbishops for the abolition of the Provisors Statute in December 1426.[4]

[1] Its relations to Cotton, Tiberius B. XII, and the famous Lambeth CCXI should be explored in the fullest detail. Henry Wharton, as the editor of the Bekyngton correspondence pointed out (Rolls Ser., i. xi.), saw that there was a close link between these MSS., but the point is not carried further.

[2] *Bodleian Qu. Catalogue, Ashmole*, ed. Black and Machray, p. 410.

[3] Like Cotton, Tiberius B. XII, noted above and perhaps the damaged Tiberius B. VI. It is interesting to note the hand of the notary Richard Caudray on fo. 146.

[4] *Concilia*, III. 471; Ashmole 789, fo. 226 v–227; *Concilia*, III. 482–3 (to Chichele alone).

Chichele tried to defend himself and the Duke of Gloucester from the sinister charge of anti-papalism brought against them by enemies at the Curia,[1] but the Pope did not believe his excuses. At the end of February or early in March, 1427, he suspended the Archbishop from his legatine powers[2]; Chichele, who, before the arrival of the bull,[3] had made a protestation of his innocence,[4] after it had been presented to him (though it was impounded immediately on arrival, in virtue of the royal command)[5] made two further appeals on 6[6] and 14 April.[7] The Pope did not believe the Archbishop's representations of his innocence, and wrote back (6 May) to tell him that he must personally move the King's Councillors, both clerical and lay, to abolish the Statute.[8] In the summer a great campaign on Chichele's behalf was conducted by the prelates of England,[9] by 'certain' lay lords[10] and by the University of Oxford,[11] while the victim himself solicited the cardinals.[12] Martin however was determined that Parliament must be brought round and that Chichele must show in a practical form his repentance and his devotion to the Church by moving it to abolish the Statute.[13] In October, 1427, he wrote to the king[14] and the lords of parliament,[15] and in December (after

[1] *Concilia*, III. 472–3; Ashmole 789, fo. 220.
[2] *Ibid.*, 484; Ashmole 789, fo. 222 v; Petyt MS. 55, fos. 97–8 v.
[3] *Ibid.*, 486. Evidently this was the intention of 'the letters' bought by John of Obizzi (29 March).
[4] *Ibid.*, 485–6; Ashmole 789, fo. 221.
[5] *Ibid.*, 486; Ashmole 789, fo. 221 v.
[6] Petyt MS. 55, fo. 88. This is the sole source for the second appeal.
[7] Ashmole 789, fo. 224.
[8] *Concilia*, III. 473; Ashmole 789, fo. 206.
[9] *Ibid.*, 476; Petyt MS. 55, fos. 95 v–96.
[10] *Ibid.*, 478; Ashmole 789, fos. 227–227 v.
[11] *Ibid.*, 476–8; Ashmole 789, fos. 227 v–228; Petyt MS. 55, fos. 94 v–95 v.
[12] *Ibid.*, 473, and Ashmole 789, fo. 220 v; III. 475 and Ashmole 789, 225 v.
[13] *Ibid.*, 479; Ashmole 789, fo. 206 v; Petyt MS. 55, fo. 98 v. A second letter came in October. *Concilia*, III. 480; Ashmole 789, fo. 208; Petyt MS. 55, fo. 99–99 v.
[14] *Ibid.*, 479; Ashmole 789, fo. 207; Petyt MS. 55, fos. 98 v–99.
[15] *Ibid.*, 479–80; Ashmole 789, fo. 207 v; Petyt MS. 55, fos. 91 v–92.

the matter had been postponed) again to the king [1] expressing in vigorous and cogent language his hope of its abolition. Parliament considered the matter on 30 January, 1428, when the two archbishops appeared before both assemblies, and Chichele pleaded with tears for the abolition of the Statute.[2] As we know, Martin then met with a final rebuff.

Wilkins has numbered these documents I–XX. His order is chaotic. At the end of the series (XIX) he puts the events of the close of March 1427, having evidently post-dated them in his own mind by a year. The appearance of Chichele before parliament he places before the Papal bull of suspension (XVIII), whereas the Archbishop's allocution to the two houses was the practical measure of penance and restitution enjoined upon him by Martin V. No. XV, the famous letter *Si quam in destricto Dei judicio*, should be grouped with no. I, Martin's letter to the two archbishops, for it was written in December 1426. This complete chronological confusion may have a more mechanical explanation than Wilkins's failure to grasp the facts. Elias Ashmole died in 1692 and his manuscripts came shortly afterwards to Oxford University. Is it likely that an editor in 1737 would describe one of them as a manuscript still 'penes Eliam Ashmole', when for some time they had been a part of the Museum collection that bore Ashmole's name? *Penes* usually implies the living proximity of the owner. Is it not likely that Wilkins is copying from a transcript of Ashmole 789, made during Ashmole's lifetime, in which the order of the letters has been hopelessly confused by the transcriber? Yet we owe Wilkins the greatest debt for printing even from a transcript made from this remarkable volume the interesting series of Martin's briefs and the replies to them from England; if he has isolated this series from similar earlier efforts of Martin to secure the abolition of the 'execrable' statute and has omitted the vital letters now

[1] *Concilia*, III. 480–2; Ashmole 789, fos. 225 v–226 v; Petyt MS. 55, fos. 89 v–90 v.

[2] *Ibid.*, 483–4; Ashmole 789, fos. 209–10 v.

calendared by Mr. Twemlow, or printed by Dr. Haller,[1] we must recollect that neither the papal registers nor the volumes in Armaria XXXIX [2] in the Vatican Archives, nor the Chigi [3] nor Barberini [4] volumes in the Vatican Library which Mr. Twemlow used, were available for Wilkins, but only Rinaldi and certain early *Bullaria*. Perhaps it has proved a good thing that he did not know of these sources; for if, to take one instance, he had had the version of the much-quoted letter of Martin V to Chichele (December 1426) printed in Rinaldi and given in Vatican Register CCCLIX as addressed to Henry, bishop of *Winchester*,[5] he might well have adopted the incorrect form found in so many other copies, and we should have been puzzled at Martin's attack upon a man whom he did everything to encourage. It is not often that the briefs (as opposed to the letters) of Martin V are dated. Those in the relevant volumes of Armaria XXXIX are mostly not; thus the fact that some of the examples in the Ashmole manuscript bear exact indications of time and issue, and that they are, as Dr. Craster assures me, in a practically contemporary hand, makes the Bodleian manuscript a very important source indeed. But the dates given there might have saved Wilkins from printing *all* the letters under the heading 1426; and, as a purely historical point, did it not strike Wilkins as somewhat curious to leave Archbishop Chichele suspended from his legatine office by

[1] *England und Rom unter Martin V* (Quellen und Forsch. aus ital. Arch. v. Bibl., VIII. 2), pp. 289 *seqq.*

[2] The most important volumes in XXXIX are Nos. 5, 6 and 7A. No. 5 (Martin V) is in the hand of a seventeenth-century copyist, and the letters are frequently undated; they are obviously excerpted from another manuscript, since the marginal references of the older volume are given, up to fo. 265. No. 7A contains briefs both of Martin V and Eugenius IV, and is important (esp. fos. 128–9) for the relations between Martin and Bedford and Eugenius and Bedford (fo. 147 v). Like no. 5, it is a later copy, though I should not like to specify its date. No. 6, the volume chiefly used by Rinaldi, is a contemporary fifteenth-century series of extracts from Martin's register of briefs. The best English material lies between fos. 49–58. Cf. also Haller, *op. cit.*, p. 250, n. 4.

[3] D. VII. 101.

[4] Barberini MSS. lat., no. 2001.

[5] *Cal. Papal Letters*, VII. 24–5, with Mr. Twemlow's note.

the Pope throughout the remainder of his episcopate? Even if the bull ordering this had been confiscated by the secular power, the clergy could not have failed to take the matter seriously. The very important letter of Martin V restoring him to his office as *legatus natus*, not so much because his friends had testified it to his zeal towards the Church, but because he had shown it, even to his own peril, by his speech in Parliament,[1] was missed even by Haller himself,[2] so we cannot expect Wilkins to have known it. Yet surely the suspension might have been a matter of such vital importance in the history of the Church of England —nothing like it had happened since the days of John—that one wonders why Wilkins was not struck by the fact. Wilkins, indeed, was an honest extractor of documents, but it becomes only too clear that he did not always look to the historical beginnings and endings of the documentary series which he printed, and then on occasion he leaves his texts suspended, like the Archbishop, in doubtful mid-air.

His simple attitude towards textual complexities has, as we have shown, both its advantages and its drawbacks. The latter, we fear, tend to prevail. There is a good example in his text of the English Concordat with the Papacy which he prints in a somewhat singular form under the year 1419. It will be recollected that after the election of Martin V the Germans, French, Italians, Spanish and English secured from the Papacy, when the Third Reform Commission of November 1417 failed to produce any results, concessions that were supposed to meet the needs of each individual nation, in default of any general scheme of reform which national rivalries had rendered impossible. These concessions bear, as Hübler and Dr. Finke have shown, a definite relation to the *Avisamenta* of the earlier Reforming Commissions. The English demands, too summarily characterized by Creighton and others as of little importance,

[1] *Cal. Papal Letters*, VIII. 64–5.

[2] Because he only concerned himself with the Papal briefs in this connection.

bear mainly upon the favourite English grievance of papal exemptions and dispensations [1]; the general view of these clauses taken by Hübler and Creighton, is that they had no effect. Now in his own day Wilkins could have had access to four texts of the Concordat. He prints a version which is a conflation of two texts occurring a few leaves apart in Chichele's Register, which we will call A and B. A, undated, but following an entry of 1 June, 1418, is headed *Concordata et concessa per sanctissimum dominum nostrum Martinum papam quintum pro reformatione ecclesie Anglicane ac terrarum et dominiorum Hibernie et Wallie, etcetera.*[2] It is simply a statement of the articles granted, ending with the Pope's promise to make "gratis upon demand as many certified copies of the Concordat as the English nation might require". It is important to bear this promise in mind. Text B has a different heading, *Transumptum quorundam capitulorum nationem anglicanam concernenttium ex registro constitucionum romanorum pontificum,*[3] and begins in the form of a letter by Cardinal Branda of Piacenza acting on behalf of the Vice-Chancellor, Cardinal John of Ostia, certifying the articles that follow to be a true copy of the entry in the Statute Book of the Chancery, and extracted at the instance of the Bishop of Coventry and Lichfield (John Catterick, Henry V's ambassador). Then follow the articles of the English Concordat as in Text A, dated at the Cardinal's house in Florence, the twelfth indiction, 17 April, 1419. It will be seen that Wilkins has kept the heading of A, printed the heading of B in italics and the whole of Text B. His text is correct except for one serious error, where he prints *inquisitionem* for the correct reading *nocionem.* The third text, which we will call C, is from a Cambridge University Library Manuscript, printed first by Von der Hardt, then by Hardouin, Mansi, Lenfant,

[1] The subject of Chichele's letter to Bishop Robert Hallam in Royal MS. 10, B. IX. fo. 59.

[2] Reg. Chichele, II. fo. 332, 332 v; *Concilia*, III. 391–2.

[3] Ibid., fo. 335, 335 v. A copy of this is among the MSS. of the Dean and Chapter of Wells: *Hist. MSS. Comm. 3rd Rep.*, Appendix, p. 360.

Hübler (with variants from other English texts), and finally by Monsignor Angelo Mercati (with variants from other Vatican manuscripts) in his *Raccolta* (1919).[1] It begins with a certificate by the Vice-Chancellor, Cardinal John of Ostia, who states in the form later utilized by Cardinal Branda, that the articles which follow have been taken from the Statute Book of the Holy Roman Church just as they were inscribed, under his supervision, on 12 July, 1418, the copy being made at the request of Robert de Neville, canon of the Church of York and rector of Spofforth. Then follow the articles, the date of their transmission to Neville being Geneva, eleventh indiction, 21 July, 1418. The fourth text, D, was in the now half-mutilated Cotton Tiberius B, VI, and printed in Rymer's fourth volume (1740 edition).[2] It corresponds to the text of B. Texts E and F which have come to light since the days of Hübler are in *Cod. Vat. Lat.* 2,665 and *Cod. Palat. Lat.* 647.[3] In these it is stated that the constitutions were delivered (*tradite*) at Berne in the diocese of Lausanne on 30 May, 1418, under the attestation of John de Rochetaillée, Archbishop of Rouen, Patriarch of Constantinople. They follow, with certain minor variations, the Cambridge version.

There are thus, to our present knowledge, three versions which Wilkins might have used, and the fourth enables us to complete the historical order. The bare entry of the articles in Text A (Chichele) is evidently the draft as delivered to the English ambassadors who negotiated the Concordat. Texts E and F of the Vatican Library record the agreement of the Pope to the articles at Berne in the diocese of Lausanne on 30 May, 1418. Text C, the Cambridge text, shows us how the Provost of Beverley who, to judge by the date, may have been the ambassador to secure the first authenticated copy, availed himself, in July 1418, of the promise laid down in the Concordat. Texts B and D reveal Bishop John Catterick in April 1419 securing a copy

[1] *Raccolta di concordati su materie ecclesiastiche tra la santa sede e le autorità civili* (Rome 1919), pp. 165–8.

[2] IV. 108 (old ed., IX. 731).

[3] Mercati, *op. et loc. citt.*

for Henry V from Cardinal Branda to whom he had already paid a considerable sum for other papal letters.[1] This little sequence of copies which Wilkins, by his conflation of the two Chichele texts and his neglect of the Cambridge manuscript, entirely obscures, throws a new light upon the English attitude towards the Concordat and makes us question the negative judgment of Creighton. Henry V was not the man to ask for a copy of the articles if he did not need them. Now if we look carefully at the papal letters of the summer of 1418 and the whole of 1419 we shall not get the impression that the Pope was making any effort to observe his share of the bargain. True, the letter to Nicholas Bubwith, Bishop of Bath and Wells, authorizes the Bishop to summon before him all who during the period of the schism in the Council of Constance had secured exaggerated grants and privileges, to exhibit the grants to him and to make and send to the Pope a copy of those which appeared to him exorbitant [2]; but the particular kind of dispensation petitioned against undoubtedly continued. The renewal or prolongation, upon payment, of John XXIII's dispensations is a regular occurrence only broken by the annulment of the indult granted by that pontiff to the masterful and unscrupulous John Ripon, Abbot of Fountains.[3] There is, it may be added, a further reason for suspecting the judgment of Hübler and Creighton on the ineffectiveness of the English Concordat. In 1420 Archbishop Chichele took steps to ascertain the facts about unions and appropriations made from the beginning of the Schism on words by sending commissioners of inquiry throughout the vacant sees of Exeter (January),[4] Coventry and Lichfield (March) [5] and Lincoln.[6] The returns do not appear to have been preserved : but the fact that the inquiry was made is something.

[1] *Foedera* (1740), IV. pt. iii, 88.
[2] *Cal. Papal Letters*, VII. 85.
[3] *Ibid.*, VII. 144.
[4] Reg. Chichele, II. fo. 282.
[5] Ibid., fo. 282 v.
[6] Ibid. ; cf. fo. 283 v (10 April), when Lyndwood and William Browning are directed to inquire ' de et super ecclesiis appropriatis infra eosdem archidiaconatus et valore eorundem, necnon de consolidacione et dotacione vicariarum, si que fuerint in ecclesiis huiusmodi '.

We may now turn to wider historical issues. All students of the *Concilia* will have noted with gratitude how greatly Wilkins has improved upon the records of Convocation printed by Dugdale in the second volume of Spelman's *Concilia*. The bare recital of the conclusions and the constitutions of the various Synods is now supplemented by some account of the fiscal aspect of those assemblies, while other points of constitutional interest are noted. Dugdale's excerpts in the second volume of Spelman dealt only in very small measure with the Convocation of York, and Wilkins has now supplemented his work by excerpts from the York Registers. It will not take very long to see that besides his interest in the taxation of the clergy, Wilkins was absorbed by the growth of heresy from the days of Wyclif onwards. We owe to him the printing, often in full, of the examination of prominent heretics by specially appointed tribunals of the Southern Convocation and the sentence of the heretics in Convocation itself. In Conciliar matters he is not concerned with the part taken by the English delegations at the General Councils, but only with the despatch and his subsidizing of the representatives. The European point of view adopted by Arthur Duck, to whose *Life of Chichele* Wake was greatly indebted, is entirely foreign to him : the triangular relation of Church, State and Papacy is seldom uppermost in his mind. His interests are more domestic. It is clear that he has been through the registers of the Archbishops with special regard to matters fiscal and doctrinal, and on these points little escapes his eye as far as the Southern Province is concerned. But there are two great drawbacks. In the first place he was not interested in matters of procedure. Perhaps he felt that Edmund Gibson's *Synodus Anglicana*, Bishop Nicholson's letter to Dr. White Kennett, and his own patron's *State of the Church* had sufficiently cleared up the dust of the Convocation controversy raised by Atterbury. This neglect of procedure had, as we shall show, serious consequences upon the character of his account of Convocation in both provinces.

Secondly, not only in reference to Convocation (though this is where the matter is most felt), but in the treatment of other entries, it is impossible to tell when Wilkins is quoting a document or when he is paraphrasing it in his own words. His habit of narrating, sometimes in the *ipsissima verba* of the text he is examining, sometimes in his own Latin, is most perplexing. We shall give examples of this elegant but exasperating characteristic.

Let us take the Convocation which met at St. Paul's on 26 November, 1417. This was particularly remarkable for the attempt made by the Universities of Oxford and Cambridge to secure better provision for the promotion of their graduates.[1] First, Wilkins's paraphrase giving the heading correctly from Chichele's Register : he writes (italics our own)

in this Synod, the preliminaries being despatched according to the usual form, when on 28 November the Archbishop had made his declaration of the causes why Convocation was summoned, *Mr. Robert Gilbert, Doctor of Sacred Theology, Master or Warden of the Hall or College of Merton in the University of Oxford commended to the special notice of the fathers and clergy in words of flowery beauty the position of the University of Oxford and the promotion of those studying there.* Then on 3 December *Mr. Thomas Kyngton, Doctor of Laws, commended to the Synod the state of the University of Cambridge and the promotion of its students,* for the advancement of which business, certain Bishops, Abbots and Priors were elected by the Council. Before this matter obtained its due result, the legates of the Lord King demand a subsidy from the clergy in whose names they obtained two-tenths by unanimous consent.

The italicized section on Robert Gilbert and Mr. Thomas Kyngton is given by Wilkins in the words of the register; the rest is paraphrase. Now let us turn to the minutes of the Assembly in Chichele's Register, analysing them rather more fully than Wilkins did, observing what he has omitted and whether those omissions are of importance or not. We

[1] Following a petition of the Commons to Henry V in 1416: *Rot. Parl.*, IV. 31.

shall keep to the exact order of the narrative in the register, even at the risk of confusing the various types of business dealt with. The Convocation began by a sermon in the Lady Chapel of St. Paul's by Dr. John Holland on the text *pascite gregem Dei*. The session opened in the Chapter House by Chichele's announcement of the election of Martin V and the singing of a *Te Deum* together with special thanksgivings for the event (Wilkins omits). The Bishop of London's certificate of summons was then read. The cause given by the Archbishop being stated as, in addition to the usual fiscal demands of the King, " other difficult and urgent matters concerning the estate and utility of the English Church and the resplendent Universities of Oxford and Cambridge and the profit of their graduates ".[1] Having fixed a time for the reception of certificates and proxies the Archbishop adjourned the Assembly till the following Monday (29 November). On that day after preliminary statement of the agenda by the Archbishop, the Warden of Merton made an elegant speech on behalf of the University of Oxford.[2] This met with a good reception, Convocation declaring that it was specially interested in the promotion of the University graduates. A committee was then established to draw up " a method and form " for relieving the poverty of these students and the Archbishop adjourned till Wednesday (1 December). The committee's names are given in full. Each diocese of the Southern Province was represented by four persons, in most cases abbots or priors, the religious being chosen from the Benedictines, Cistercians, Cluniacs and Austin Canons. The Welsh dioceses are represented each by a single master.[3] On the Wednesday Chichele was detained in Parliament *circa varia negotia*, and the session was adjourned till Friday. On 3 December Mr. Thomas Kyngton, Doctor of Laws and Advocate of the Court of Canterbury, made a speech of a similar tenor to Gilbert's on behalf of the University of Cambridge. To this a favourable

[1] Reg. Chichele, II. fo. 10 v. [2] Ibid., II. fo. 11 v.
[3] Ibid., II. fos. 11 v–12.

response was given by the Archbishop, who now made public protestation that neither he nor the Provincial Council intended to make any statute or ordinance that might be to the prejudice of the Pope or of the Apostolic See. Chichele then asked the Committee for their report. In replying Gilbert read aloud "a certain form" which had come from the Council of Constance; then an alternative proposal was read, which drew the Abbot of St. Augustine's, Canterbury, to his feet, to ask for permission to discuss the matter with the other conventuals. Whereupon he, the Abbot of Winchcomb, the Prior of Coventry and other prelates of different religious orders, went apart for discussion to another quarter of the Chapter House, and after talking the matter over among themselves, returned and stated that they saw danger in some of the proposals; they asked for a committee to suggest means of obviating these risks, and Convocation duly constituted it then and there. The Committee consisted of secular and religious alike, but the religious were the overwhelming majority. The Bishops of Lincoln and Hereford, John Southam and Robert Keaton as seculars, and as representatives of the religious orders, four for the Benedictines and two for each of the other orders.[1] There is, for reasons which will become obvious, no representation of the Mendicants.

The narrative is then broken to give the episode of John Sudbury, Registrar of the Bishop of London (then at Constance), who was rebuked by the Archbishop for the lateness of the writs summoning Convocation. The Bishop's Vicar-General had fallen ill and upon John had devolved the duty of sending them out. The Archbishop asked him for an explanation of his *desidia* before the end of Convocation and adjourned the meeting till the following Monday. John lost no time in apologizing, for on Monday (6 December) he appeared to make his peace and the Archbishop for reverence of his master granted him pardon. After further debate on other matters that day the

[1] Reg. Chichele, II. fo. 12.

meeting adjourned till the next (7th), but as Chichele was occupied with the confirmation of John Chaundler's election to Salisbury, an adjournment took place till Thursday (9 December). On this day the King's representatives, Sir John Huddleston and Roger Salvayn, *domicellus* (equerry), entered the Chapter House and presented a letter from Henry V which was read aloud by John Holland. The envoys withdrew and there followed a long debate " on divers matters touching the said Convocation but especially on the promotion of graduates ". This was adjourned till Friday, 10 December, when the Protector, John of Bedford, sent the Bishop of Durham (then Chancellor), the Duke of Exeter and the Earls of Northumberland and Westmorland to relate the success of Henry's expedition in France and to ask for a subvention through the mouth of the Bishop of Durham, speaking in English. Chichele made a favourable reply and after the envoys, who appeared content with their reception, had withdrawn, there was more debate both upon this and upon the problem of the graduates.[1]

On the Saturday (11 December) a new *forma* for the promotion of graduates was read and copies were delivered to the various prelates of the religious orders to meditate upon over the week-end. This took longer than was anticipated, and it was not until Wednesday, 18 December, that unanimous agreement was reached, on condition, however, of the modification of the University's statutes contained in the *supplicatio* written below.[2] This supplication, made by the Faculties of Theology and Canon Law at Oxford, is, like the *forma* or ordinance, printed in Wilkins, who gives the negative reply of the University. But first let us see what he has made of the debates.[3] He records the speeches of Gilbert and Kyngton and the appointment of a committee, presumably the second; he records by anticipation the grant of two-tenths at the request of the King's envoys. But of the really interesting features, the demurrer of the

[1] Reg. Chichele, II. fos. 12 v.–13. [2] Ibid., fos. 13–14 v.
[3] *Concilia*, III. 381 *seq.*

religious in Convocation, their separate debate and reply to the proposal from Constance and the second project, the length of time which it took to allay their doubts (more than a fortnight) and the very clear implication that it was *they* who were behind the supplication and made its grant a condition of the Ordinance being put forward as the unanimous decree of Convocation at all—of all this not a word. Wilkins's method of summarizing rules out the details of procedure which alone can give full and logical explanation to the documents which he (quite faithfully) reproduces. For a careful study of the supplication in the light of the composition of the second committee shows that the possessioned religious were using the needs of the University to bring their batteries to bear upon the University's regulations in the matter of degrees. It was an old grievance deeply burned in upon the minds of the Mendicant Orders, and now coming home with special force to the possessioned religious. The basis of it was the famous decision of the University in 1253 that no one should incept in Theology unless he had previously incepted in Arts, had lectured on some book of the Bible or on the Sentences and preached publicly in the Schools.[1] This decision was entered upon the University statutes. The Dominicans had attacked it from 1311 to 1314, and again, supported by the Papacy, in 1365, when a solution had been imposed by the intervention of the King and Parliament. On the present occasion, therefore, the Mendicants were not represented on the Commission. Now in 1409 the Benedictines had made their attempt upon the statute. It had been agreed between the University and the Benedictine Order that members of the Order should be allowed to pursue a certain course of study *in primitivis scientiis*, but that they should be under a master. The concession was probably made because the University had received assistance from the Benedictines in the building of

[1] On the difficulties to which it gave rise see Rashdall, *Universities*, ii. 380 *seq.*; S. Gibson, *Statuta*, pp. cxiii–xvi. The actual decree is in Gibson, *op. cit.*, p. 48.

the Divinity School. But now the appointment of a committee composed primarily of prelates of the religious orders to draw up the Ordinance for the promotion of graduates shows us that the whole body of the possessioned religious was unitedly attempting to secure considerably more than had been secured in 1409 for one order alone. If these details of procedure are left out, the Ordinance loses half its significance, for the recommendations for the promotion of University graduates were strictly dependent upon the relaxation of the University statutes in favour of the bodies represented upon the Committee that considered the proposals and drafted the Ordinance.

As regards the remaining work of Convocation Wilkins has stated briefly the grant of two-tenths by the clergy. He makes no note of the conditions on which the two-tenths were granted, that is that the collection of one-tenth already granted in 1416 should be postponed from June 1418 to October 1420, and that no exemptions previously granted by the King should be admitted. The ordinance for promotion of graduates, the supplication, Chichele's letter to the University urging it to comply and the final negative response of the University refusing to relax its statutes he has printed correctly.

We may now turn on to the Convocation of May 1421,[1] when the question of promotion appears to have been settled (though in fact it was not) by Oxford consenting to mitigate the rigour of its statutes. We may note that after this date Wilkins, by his usual formula *præmissis iis quæ ad incohandam synodum spectant*, fails to point out that one of the Archbishop's requirements transmitted to the Bishops of his province was that they should make return in their certificates of the names of such University graduates as had been permitted in their dioceses since the last Convocation. That this was enjoined upon them we gather from the opening certificate of the Bishop of London. In the case of 1421 Wilkins has given the stages and chronology of the

[1] *Concilia*, III. 399; Reg. Chichele, II. fo. 23 v. *seq.*

solution of the difficulty over degrees with greater accuracy ; but this may have led him to omit two important points in the ordinary business of Convocation. (1) On 9 May Lyndwood brought in from his lower chamber a paper schedule of *gravamina* which was to be presented to Henry V for remedy by the authority of Parliament, in return for which the clergy was prepared to make the grant of a tenth in the present Convocation. These are entered in the Chichele Register as *articuli porrecti domino regi per clerum pro remedio contra certa gravamina habendo.*[1] The main interest in these is their plea for measures to be taken against the violent treatment of clerks accused of incontinency. To each clause the royal reply is given. (2) Readers of Wilkins's version of Chichele's constitutions against the excessive stipends of chaplains promulgated in this Synod may wonder what the unexplained Simon of Teramo is doing in the text. This query is bound to arise from Wilkins's omission of all events between 12 and 27 May, for on the 15th Chichele's Register records that Simon the papal nuncio and collector gave an address to Convocation " on the business of our said Lord Pope " and pleaded *specialiter pro provisione habenda in regno Anglie.*[2] The appearance of the Collector is of some interest, because it is clear from other sources, as Haller has shown,[3] that the business of the Lord Pope included a demand for the revocation of the Statute of Provisors.

Let us look further at Wilkins's abbreviations in matters of finance. Convocation of April to July 1425 provides a characteristic example. Wilkins has expended all his energies on the cases of the heretics Robert Hoke and Thomas Drayton. He prints the appearance of Beaufort and other royal councillors in Convocation to request a subsidy on 4 May, and he also notes the second appearance of the Chancellor and of Lord Cromwell (who had to defend himself against a charge of making insulting remarks about

[1] Reg. Chichele, II. fo. 28 v. [2] Ibid., II. fo. 25.
[3] *Op. cit.*, p. 256 and n.

the clerical proctors) to urge that the grant should not be delayed. At the end of Hoke's penance he paraphrases the Register very drastically, merely noting the grant of the half-tenth by the clergy *cum maxima difficultate.*[1] What he does not bring out is the Archbishop's persistence in the matter of the royal grant, his advice to the lower clergy that they should debate *fructuose et diligente et omissis voluntariis respectibus,* his patient adjournment of the Assembly when "they relaxed a little, but not to the point of making the grant".[2] Then as usual he omits the ordinary executive writs that followed the decision—the Archbishop's certificate of the grant to the King, the royal mandate for the deputation of collectors, the Archbishop's writ ordering the collectors now duly nominated to proceed with their work. Now Wilkins may (by the very large-hearted) be excused from printing what appears very largely common form. But in this instance, as often in other contexts, he has missed the real reason for the reluctance of the clergy to make a grant. The money, says the Archbishop in his writ to the collectors, is to be collected from those normally liable, with certain exceptions. But these exceptions are particularly long and striking, so much so that the clerk entered special lists of impoverished religious houses and hospitals and of the benefices in the same plight whose true annual value had of late years not exceeded twelve marks and whose rectors and vicars were perpetually resident.[3] These are lists for the diocese of Canterbury, and Wilkins could have argued that they constituted local rather than national material. But do they not explain part of the text he has printed and show why both Henry Beaufort and Chichele himself had to plead so hard? In any revision of the *Concilia* it will be essential to watch such variants from the common form of the executive writs for what they tell us about the proceedings in Convocation itself.

There is another difficulty about abbreviation. The

[1] *Concilia*, III. 436.
[2] Reg. Chichele, II. fo. 43.
[3] Ibid., fo. 44 v.

constant occupation of the Archbishop in the King's Council in the co-existing Parliaments is nowhere better illustrated than in the day-to-day adjournments of Convocation on that account.[1] It will not do to cover this up with a comprehensive Latin paraphrase. This dual position of the Archbishop is vital to all who would understand the development of Church and State in the century before the Reformation; it suggests to us that to speak of the total separation of Convocation and Parliament in the fifteenth century is likely to be misleading. The royal councillors (*regii consiliarii*) regularly pass from Parliament into Convocation, make their request for a subsidy and withdraw. The Archbishop is the bridge between the two constituent parts of the same organism.

It is doubtful, as the entries stand, whether Wilkins personally consulted the York Registers as well as those in his own charge at Lambeth; for his interest in the doings of the Northern Province is mild when compared with his zeal for printing the heresy examinations conducted under the authority of the Southern. Certainly he or his agent or transcriber at York would have found a different system of entry. In the Register of Chichele the Convocation material is confined to the first part of the second volume; the stages of the Assembly are marked by careful dating and the proceedings are given in the form of a running narrative that includes any letters received and sent or statutes promulgated: we have in fact the minutes (written up sometime later from notes) of Convocation. At York only the writs and letters of the Archbishop summoning Convocation or informing the King of its decisions and statutes passed together with a few odd memoranda and *acta* are entered. There is no continuous narrative. One does not object therefore so strongly to the abbreviation of Wilkins: though less full, he is sometimes more accurate than the editor of the

[1] Cf. the daily adjournments from Wednesday, 13 May, to Saturday, 23 May, 1415, because the Archbishop was occupied in the King's business: Reg. Chichele, II. fo. 4. Again, in 1428 (July) Chichele was constantly busy 'in concilio Regis' and could not attend: Ibid., II. fo. 70 v.

Surtees Society volume of records of the Northern Convocation, but his abbreviation has cut out some documents of great interest particularly in relation to the Council of Constance. Towards the end of November 1415, the Council wrote to the Archbishop of York to ask for a further subsidy for the York representatives attending. These were the Abbot Thomas of St. Mary's-outside-the-Walls, Dr. William Clynt and Canon Robert Appleton. Convocation met on 30 April to vote a further fourpence in the pound for these representatives. Now the notary, Thomas Greenwood, has happily inserted in Bowet's Register just before this point a long memorandum upon the financing of the embassy to which we have no parallel in the Register of Chichele. It records a meeting of the Archbishop with the Archdeacons of his see on 4 April, 1415, to determine how the sums voted for the embassy by the 1414 Convocation were to be allotted, and enables us to add to our list of York representatives at Constance the name of the Precentor, Brian Fairfax. The apportionment of the sums was made by Archdeaconries, part being paid by the Archdeacon himself, part by his official; and a special body was set up to audit the accounts of the collectors within the Archdeaconry. It is worth asking whether the difficulties experienced in collecting this particular subsidy throughout the Southern Province might not have been obviated if there had been some organization of this kind in existence earlier than the date at which it was eventually set up.

Our conclusion then, drawn, it must be admitted, only from certain sections of his book, is that on the larger and more significant issues of constitutional procedure Wilkins's work has its defects. The reason is to be found in his abbreviations, but they themselves spring from a mind unquickened by the finer questionings of historical investigation. The *Concilia* is a splendid treasure-house; but the good things in it might be better and in more orderly arrangement. Yet it is more advantageous to have a general assemblage of documents under years than a selection grouped under the

subjects which seemed important to the eighteenth century. Nor has it been the purpose of this paper to belittle Wilkins's great labours both in collecting and in mastering what he or others had collected. If no son of the House may speak ill of the familiar and riding companion of Archbishop Wake, no scholar also may look askance at a man who copied Bishop Tanner's *Bibliotheca Britannica* for publication at the expense of the Society for the Encouragement of Learning, and when Tanner's son offered to pay him £50 for the work under his father's will, refused to take any money until the book was published, with the gracious words, " If it should be decreed above that I should not live to see that done, I beseech you let my true pains in copying your father's *Bibliotheca* be a lasting monument of high esteem of his goodness, merit and learning." [1] This is an answer to Hearne's malevolent charges of mercenary motives. The earnest scholar with the grave, open face, who indeed knew the meaning of his own favourite quotation " labor improbus omnia vincit," was once an object of derision and suspicion to an Oxford of Jacobite sympathies which could not be induced to give him a degree. Our best tribute to his pains is to do what he did; to start once more to reconstruct, from the Conquest onwards, the great heritage of ' the Councils ', remembering the years of work which he put into it and the lessons of co-operation which he took to heart.

[1] Add. MS. 6190, fo. 147, Wilkins to Tanner, 19 Feb. 1744.

EDMUND DUDLEY: MINISTER OF HENRY VII

(*The Alexander Prize Essay*)

Read 9 *June*, 1932

By Miss D. M. Brodie, B.A.

To the historian of the late fifteenth century interest is centred on the transitional character of the times. Throughout Europe medieval thought and institutions were decaying. The dream of Christendom was fading, and the development of non-moral national states was quickened by the policy of despotic rulers in many countries. Medieval "liberties" appeared only as bars in the path of progress, and in most countries fell before the new centralized administrations. Economic changes spread more rapidly and defeated that apparent inertia which had afflicted the countryside during the rule of the feudal baron. New conditions meant an age of distress and turbulence, and new opportunities meant the rise of strong, vigorous personalities who were left without authoritative guidance to work out their country's salvation. Of such were Henry VII and his council of the "ablest men that were to be found." [1] They were typical examples of the age; men brought up with medieval traditions, using medieval forms, yet treating many problems in an independent spirit, cautiously feeling their way to a development that is only clear at the close of the sixteenth century when the modern state had been almost created. Of the importance of this formative period there can be no doubt, but not much can be learnt about the men who guided England at this very critical time, for they have left only

[1] Bacon, *History of the Reign of Henry VII* (ed. J. R. Lumby, 1876), p. 217.

scattered and often but fragmentary records behind them. For the sake of the light that the *Tree of Commonwealth* [1] throws on the views that Edmund Dudley must have shared with his colleagues, as well as for its own original and lively expression of opinion on many political and social questions, the work and its author seem to deserve more serious consideration than they have yet received.

The ascertained facts of Edmund Dudley's short life are not many, but give rise to interesting conjectures. He was the grandson [2] of the Lancastrian partisan, John, Lord Dudley (de Sutton), who was imprisoned with Henry VI, after the Battle of St. Albans, 1455. After some wavering, Lord Dudley served the Yorkist kings, and so did his second son, another John, who became sheriff of Surrey and Sussex in 1484. This man settled in Atherington, in Sussex, and married Elizabeth Bramshot,[3] a considerable heiress of lands in the Isle of Wight and in Hampshire. Later on, in spite of having worked for Edward IV and his brother,[4] we find John Dudley employed on many local commissions from the first year of Henry VII onwards,[5] and rewarded with a pension of twenty pounds in 1490.[6] This connection with local government probably influenced the career of his more famous son, for we find John Dudley joined with Sir Reginald Bray, the king's most outspoken councillor, on a commission [7] to enquire into lands held of the king

[1] Three manuscript copies exist: (*a*) Chetham MS. No. 376, from which the privately printed edition of the *Tree* was prepared in 1859; (*b*) Harl. MS. No. 2204; (*c*) Brit. Mus. Add. MS. No. 32091. References are to the printed edition, but the wording of quotations comes from Add. MS. 32091, which copy is written in a hand resembling that of William Honnyng, Clerk of the Council during the government of John Dudley, Duke of Northumberland.

[2] H. S. Grazebrooke in William Salt Society's *Collections*, Vol. IX, Pt. 2, pp. 65 *et seq.* Also S. Lee in *D.N.B.*

[3] Inquis. P.M., Series II, Vol. 22, No. 12 (10).

[4] Comm. of Peace, Southampton, 1470; Sussex, 1481–85. Comm. of Array, 12 E. IV and 1 and 2 R. III.

[5] Comm. of Peace, Sussex, fr. Oct. 1486; Muster and Array, 4 and 5 H. VII.

[6] Pat. Rolls. 5 H. 7, m. 33 (3).

[7] *Ibid.*, 1 H. 7, IV, m. 15 (10) *d.*

in Sussex, and this association seems to have ripened into friendship between the two families. Among the people commemorated in certain provisions of John Dudley's will,[1] which is dated 1 October, 1500, occurs the name of Reginald Bray, one of his father's executors, and from the will of Edmund Dudley we learn that "Sir Reynold Bray's" executors at some time had lent him the large sum of two hundred and forty pounds.[2]

Of Edmund Dudley's education and early career we may only surmise. The date of his birth is generally given as 1462, but this is based on a mis-reading by Dugdale [3] of an inquisition made in 24 Henry 7,[4] which really says that on the death of his mother, which occurred on the 12th October, 1498, Edmund Dudley was "twenty-six years and upwards." It is just possible, therefore, that he was not forty years of age when he was executed in August, 1510. There is a tradition that Edmund Dudley went to Oxford before starting his legal studies,[5] but, as the registers from 1463 to 1505 do not now exist, this cannot be verified. Among the wealthier families we have several instances of the growing practice of sending boys to the universities before they began their professional work,[6] and there are some grounds for connecting Edmund Dudley with Oxford. One of his uncles, William, Bishop of Durham,[7] was Chancellor of that University in 1483, and Edmund by his will,[8] which was not proved, made provision for "poor scholars of divinity in Oxford" out of the surplus profits of the estate of his younger son, Jerome. In the *Tree of Commonwealth* Edmund Dudley shows keen interest in the life of the universities,

[1] W. Salt Soc. *Collections*, Vol. IX, Pt. 2, p. 74.
[2] L. and P., H. VIII, 2, ff. 4 *et seq.*
[3] Baronage (ed. 1675), II, p. 207.
[4] Inquis. P.M., Series II, Vol. 22, No. 12 (10).
[5] Wood, Ath. Oxon. (ed. Bliss, 1813), Vol. I.
[6] Exeter College, Oxford, claims Sir John Fortescue. Sir Robert Rede went to Magdalen College, Cambridge, and Sir Thomas More probably to Canterbury Hall, now absorbed in Christchurch, Oxford.
[7] *D.N.B.* and Wm. Salt Soc. *Collections*, Vol. IX, Pt. 2, p. 74.
[8] L. and P., H. VIII, 2, ff. 4 *et seq.*

but mainly from an ecclesiastical point of view. He bids [1] the "greate prelates" give themselves to their studies and "let y^{t} be your pastimes and pleasauntes disportes" and urges them to promote sober and learned scholars to offices under them for "theis galanttes should be your gard from danger to defend you." In a slightly later passage [2] he rebukes those who use their interest to cause clerks "ther to be graduate, and not by ther lerning and y^{t} thei may were furres and be callid masters in lesse than a yeres learning," or who "send to the unyuersities yong schollers of X or XII yeres of age" in order to promote such a one to office in the church "before he can saie his mattens."

But, while Wood's claim to enrol Edmund Dudley among the distinguished sons of Oxford is very doubtful, there are better grounds for believing that he was a student of Gray's Inn, although the registers [3] in this case also are missing and do not now begin till 1521. Dugdale saw Dudley's arms in the Chapel of that Inn and copied them among those illustrated in the *Origines Judiciales*,[4] in which book he mentions the indenture and release of 15 February, 22 Henry 7, by which the De Greys of Wilton transferred their property in the Inn to certain trustees, among whom was Edmund Dudley.[5] It was probably, therefore, in Gray's Inn that he entered on that long, interesting and practical training which alone would enable him to plead in the law courts. The expenses of a student at the Inns excluded all but the wealthy, and Fortescue, about 1468, remarks that "on this account it happens that there is scarcely any learned man skilled in these laws who is not a gentleman by birth or by fortune."[6] From the day that a youth entered the Inns of Chancery and began his study of the writs and

[1] *Tree*, p. 32. [2] *Ibid.*, p. 34.
[3] Foster, *Register of Admissions*, 1889. [4] p. 309.
[5] *Ibid.*, p. 271; also Fletcher, *Pension Book of Gray's Inn* (1901), pp. xxiii *et seq.*; Douthwaite, *Gray's Inn* (1886), p. 13, gives the date as 21 H. 7.
[6] *De Laud. Leg. Angl.*, c. XLIX, which forms the basis of this account of legal education in the fifteenth century.

first principles of the law his education was both professional and cultural. His course of training generally lasted seven or eight years, and, though at the beginning the student took no part in the moots and other legal exercises, when he was sufficiently advanced in his legal studies to have chambers in one of the famous Inns of Court he was expected to share in its debates and to attend regularly the sessions of the various courts of justice.[1] In this way his theoretical knowledge was tried and tempered by practical experience, his youthful dogmatism shaken and his powers of observation roused by the realistic and unprejudiced comments of the judges and serjeants at law.[2]

From a professional point of view Fortescue was probably justified in his contention that the study of the common law at the two universities was unnecessary, though we may doubt how far these youths were trained to take a share in the wider intellectual life of their age when we read Brian's story of the difficulty experienced in translating the phrase " fine gold " into Latin, and of how the " masters of grammar were sent for to give their counsel as to what was the Latin for ' fine ' and they did not know what to say." [3] Yet, however narrow may have been the education of a barrister, the legal profession in the sixteenth century was alive and progressive, and played a part second only to the Church in developing English thought and literature, while one distinguished member of the Bar at this period, Sir Thomas More, has won a world-wide reputation.

Nor was law the only study pursued at the Inns. The account given by Fortescue of " a kind of gymnasium," where all the accomplishments befitting gentlemen and future courtiers were taught, shows that there was a diversity

[1] Smith, *Hist. of Educ. for the Bar* (1860), Pt. I.

[2] Tottell, *Year Books*, M. 20 H. 7, Nos. 5, 12 and 14, and Keilwey, *Reports*, H. 20, H. 7, No. 3, report the case of an executor who redeemed with his own goods a gold cup pledged by the testator. Kingesmel's comment was : " Each vendor by presumption wishes to sell for the biggest price that he can, and each buyer for the lowest that he can secure." This speech shows little sympathy with the academic theory of a " just price."

[3] Tottell, *Year Books*, H. 9 H. 7, No. 8.

of career open to talent, and that the ideal of training a youth to take his share in all the activities of life was not the dream of certain Renaissance scholars alone. Fortescue also mentions that on feast days the students employed their leisure in reading the Scriptures and the secular Chronicles. This statement is sometimes regarded as highly coloured, but there is evidence of some educational tradition in the common features of the works of the three lawyers, Fortescue, Dudley and More, who wrote on the government of England in their days. Fortescue and Dudley [1] know the rudiments of English history, and possibly something of that of France, while an account of the usurpation and early days of Richard III is generally attributed to More.[2] All three show an acquaintance with Scripture,[3] though the quotations are generally those which formed the stock-in-trade of the civilians and canonists of that time, or which were derived from the *De Regimine Principum* of St. Thomas Aquinas or Egidius. The plan of Dudley's book is an elaboration of the parable of the mustard seed, for he opens the major portion of his treatise [4] by declaring that "the comon wealthe of this realme . . . may be resemblid to a faier and mightie tree growing in a faier field or pasture, under the couerte or shade wherof, all beastes both fatt and leane, are protectyd and comfortyd from heate and cold as the tyme requireth." His picture, too, of the final rewards given to a good king and his faithful subjects,[5] suggested probably by a passage [6] written by St. Thomas Aquinas, is made singularly vivid by reproducing the outlines of the scene of the Second Judgment given in the Gospels.

But while the knowledge of the Bible may have been

[1] Fortescue, *De Laud. Leg. Angl.*, c. XCVII, and *Of the Title of the House of York*. Dudley, *Tree*, p. 7, and p. 53, where there is a reference to the Jacquerie in France with, in all existing copies, a blank left for the King's name.

[2] *Workes*, ed. Wm. Rastell, 1557.

[3] Fortescue, *De Laud. Leg. Angl.*, c. I, and *Dial. between Understanding and Faith*; Dudley, *Tree*, pp. 37 and 49; More, *Dial. of Comfort*.

[4] *Tree*, p. 9. [5] *Ibid.*, pp. 57 *et seq.*

[6] *De Reg. Princ. ad Regem Cypri*, Bk. I, c. VIII.

second-hand, or derived from Church services,[1] the religious influence which marked these legal writers was deepened by a study of the medieval schoolmen. This was very natural. The great ideal of philosophy was the reconciliation of diversity with essential unity, and in politics this unity was attained by taking the religious conception of the welfare of the individual as the basis of the work of both Church and State,[2] so that thinkers of that time had to found their political theories on the system elaborated by the great Churchmen. Fortescue's whole outlook is coloured by a quotation from St. Augustine's *De Civitate Dei*,[3] which declares that " political " government, as opposed to those of a " despotic " character, originated when the people, as a body of men, joined together in consent to law and for the common benefit. This Father of the Church was, through the schoolmen, one of the main sources of political thought, and it is interesting in this connection to recall that Sir Thomas More, when a young man, lectured on the *De Civitate Dei* in 1499 at the church of St. Lawrence Jewry, a fact which shows that St. Augustine had still a share in shaping the speculations of the makers of the English constitution.

This idea of the common good as the main end of the labours of the State is a conception shared alike by the three writers under consideration, but while, at least in *Utopia*,[4] Sir Thomas More toys with the idea of an elective monarchy, Sir John Fortescue and Edmund Dudley, from the circumstances of their lives, value an assured hereditary kingship about which there can be no dispute [5] and in which centres the impartial administration of justice.[6] In his two most famous books, *De Laudibus Legum Angliæ* and the *Governance of England*, Fortescue attempts to build up his

[1] M. Deanesley, *The Lollard Bible*.

[2] F. Aveling on St. Thomas Aquinas in *Soc. and Pol. Ideas of Some Medieval Thinkers* (1923), ed. F. J. C. Hearnshaw.

[3] *De Laud. Leg. Angl.*, c. XIII, where Fortescue uses the arguments of Aquinas to differentiate between " dominicum regale " and " politicum."

[4] Bk. II, Ch. III.

[5] *Tree*, p. 7.

[6] Fortescue, *Governance*, Ch. I; Dudley, *Tree*, pp. 10 *et seq.*

theory of the mixed character of the English constitution, so that it should successfully combine the elements of royal prerogative and popular assent to the laws as enacted, modified or repealed by Parliament. His reputation as a political thinker is due partly to this attempt, and partly to his suggestions for a thorough reform of the royal council and the King's revenues.[1] In dealing with such problems Fortescue is far more profound than Dudley, who was probably shut off from books and certainly agitated for his life, during the short time he had for writing. Yet in the main they both describe and idealize the same form of government, and there is little ground for dismissing the *Tree of Commonwealth* as "an argument in favour of absolute monarchy."[2] To men of that age kingship was an office held from God and concerned principally with the execution of the law,[3] but Dudley, here following closely the arguments of Egidius,[4] who often influenced him, emphasized the King's responsibility for the social life of his people. It would have been mere folly for any man of the fifteenth century to close his eyes to the connection that existed between royal power and justice, for the bitter experience of bad government, culminating in civil war, had shown that "all trew Englishe men have greate nede to pray to god y^{t} our lord and king will have a singuler regard and favour" towards the commonwealth "for princypally by god and hym hit most be holpen."[5] And when dealing with the details of legal administration Dudley shows the same shrewdness and practical ability as Fortescue had done in Lancastrian times, and counsels[6] that "when the iudges resort unto the kinges grace" he should "give them a greate charge to mynister iustice treuly and indifferently." He declares also that,

[1] *Governance*, Ch. XV. [2] *D.N.B.*

[3] Fortescue, *Governance*, Ch. VIII; Dudley, *Tree*, pp. 9 and 11; More, *Utopia*, Bk. II, Ch. III. Egidius (Romanus) Colonna, *De Reg. Princ.*, Pt. I, Bk. I, Ch. XII.

[4] *De Reg. Princ.*, Part II, Bk. III, Ch. VIII.

[5] Dudley, *Tree*, p. 8. [6] *Ibid.*, p. 11.

because "without doubt fere is a great impedyment of iustice," therefore "the prince must bare and supporte them in all the mynistring and executing of iustice, as well ayenst the noblest as other, or els it will not be in there poore to do there trew dewties." Not only does Dudley thus emphasize the connection between the government and the judges by his reference to these consultations,[1] but he also confirms Bacon's impression [2] of the meddling of the Council in judicial affairs by going on to say that "it were a good deede to commande the privie counsell and secretary ('secretly' in the text) y^{t} no lettres passe them in stopping of iustice, for by such lettres, oftetymes, iustice is greatly trobleyd and lettyd." [3] Dudley has naturally something to say about the great men who act as "maynteners and imbrasers" of false actions, to the oppression of the King's poorer subjects,[4] but he shows how successful Henry VII had been in putting down open violence when he presses for a "speciall [law] to ponysshe periurie [for] Persons periurid be the uttermost mischeif of all good righte and iustice." [5] Such an Act had, indeed, been confirmed by that Parliament in which Dudley was Speaker of the House of Commons, and was approved of even in the heat of that reaction against Henry VII's government which was shown at the opening of the next reign.[6] By the time that the *Tree of Commonwealth* was written fraudulent conspiracy to abuse legal procedure was a far greater menace than intimidation, and the formal inclusion of phrases recording threats of violence in a writ in an action of trespass for battery seriously prejudiced the case, as they were no longer applicable.[7] For craft, as Sir William Holdsworth points

[1] *Year Books*, M. 1 H. 7, No. 3; H. 1 H. 7, No. 1; M. 2 H. 7, Nos. 7 and 9; Trin., 4 H. 7, No. 8.

[2] *History of the Reign of Henry VII* (1876), p. 213.

[3] *Tree*, p. 12, and cf. I. S. Leadam, *Select Cases in Court of Requests* (1898), pp. xvii and xviii.

[4] *Tree*, p. 12, and cf. I. S. Leadam, *Select Cases in Star Chamber* (1902), pp. 137 *et seq.*

[5] *Tree*, p. 12.

[6] Rot. Parl., 1 H. 8, c. 16.

[7] Keilwey, *Reportes*, T. 20 H. 7, No. 10.

out,[1] inevitably crept in when violence was useless, and it is to the credit of Henry VII and his Council that in the Star Chamber they devised a good instrument against both these dangers to the State.[2]

It was probably in the Star Chamber that Edmund Dudley gained most of his experience, for he never held high office in the ordinary law-courts. Nor does he seem to have become a serjeant-at-law,[3] for that degree, the taking of which always involved heavy expense,[4] was becoming less important unless a man desired only to practise at the bar.[5] The only legal office which Dudley held was that of Under-Sheriff of London [6] for "five years or more" before he became Speaker of the House of Commons in 1504. This appointment gives his early career an interesting resemblance to that of Sir Thomas More, though the use he made of his talents and opportunities may have been widely different from that of the younger man. This period, of which we know nothing certainly, must have given Dudley a grasp of commercial affairs which made him a valuable councillor to Henry VII, and his first recorded appearance on the Council was during a session in the Star Chamber to decide the disputes between the Merchant Adventurers and Merchant Staplers over the creation of a "free mart" in Calais.[7] Dudley's connection with "the City" was maintained to the last. Among the recognisances cancelled [8] in the opening years of

[1] *Hist. of Eng. Law*, Vol. V, pp. 201–3.

[2] P. H. Winfield, *History of Conspiracy and Abuse of Legal Procedure* (1921), p. 107.

[3] Dugdale, *Baronage*. Cf. *Origines Judiciales*, p. 59, where described as "sometime a serjeant at law and afterward of the Privy Council of Henry VII."

[4] Fortescue, *De Laud. Leg. Angl.*, c. L.

[5] Holdsworth, *Hist. of Eng. Law*, Vol. V, p. 340; W. C. Bolland, *Manual of Year Book Studies* (1925), p. 15, quotes from 11 E. IV, p. 3 (B), case 4, a report which shows apprentices, or barristers, could plead in the absence of Serjeants, even in the Common Bench.

[6] Stow, *Annales*, p. 814. [7] Patent Rolls, 20 H. 7, p. 1, m. 13 (24).

[8] Chancery Warrants, II. 336, 54 (82). Cf. Dudley's will, *L. and P.*, H. VIII, 2, f. 9, where Sir Wm. Sands is included in the group bound, and mention is made of payment to Master Lovell and Master Heron "before myn atteinder whereby I trust they shalbe therof discharged."

Henry VIII's reign is one which bound a group of six men to find the sum of £1,000 within two months after the receipt of the King's privy seal or signet in exchange for certain privileges of customs and other duties on fifty sacks of wool exported annually to Italy. Although Dudley's name does not appear, the bond is endorsed by the Receiver-General, John Heron, in these words: "My lorde, for the furst warre [warrant?] I have rec. of Master Dudeley beyng in the toure of London £1,400 and more," and his accounts suggest that he had a considerable interest in this trade.[1] There is, also, some evidence to be found in the minute inventory [2] of the things in his house in "Candelwykstrete," when Sir Henry Marny records that in the "Gret Galare" there were stacked "79 brode white clothes, 21 bagges of peper, 2 bagges of garvelyng of peper of no valure, . . . 10 remnandes of coton, 46 bagges of alome, 26 elles of canvas yerd brode." Many of these articles may have been for consumption by the household,[3] but the amount of the pepper, broad cloth and alum, which was essential to the manufacture of cloth, seems to point to wider use. Other items of this catalogue reveal the desire for foreign novelties for which the wealthier classes of that day were sometimes attacked. In the "Countinghowse Within the Littell Parloure" were found "glasses and botelles of beyounde see makyng," in other rooms were occasional "frensh chayres" and "a table of spaynysse makyng," and in the "Armore Chambre" were "harnesses for yomen after the Almayne fassion," probably chosen through the rising reputation of German armourers and infantry after Maximilian's reforms. These importations were not frivolous, but give emphasis to the exhortation in the *Tree of Commonwealth* to the "craftsmen and artyficers" that they should "disdaine not to learn of men that have conning, strangers though thei be;"

[1] Lansd. MS. 127, ff. 36 *et seq.*, refers to Dudley's recognisance of £1,000 for wool bought of the King.

[2] Exchequer K. R. Inventories, 2 (17).

[3] Cf. C. L. Scofield, *Life and Reign of Edward IV* (1923), pp. 418 *et seq.*

for "yf your work and your stuff be substanciall and trew your custymers will not faile you." [1]

The *Tree of Commonwealth* abounds with allusions to commercial matters, and Dudley gives intimate, if somewhat jealous, descriptions of the merchants and their rising importance. He sees that they have become the rivals of the nobles for the highest places in Church and State, and therefore urges on members of his own order the importance of educating their children carefully, "for veryly I feare me, the noble men and gentlemen of England be the worst brought vp for the most parte of any realme of christendom, And therefore childeren of poore men and meane folke are promotyd to the promocion and auctorite y^{t} thee childeren of noble Blood should have yf thei were mete therfore." [2] In a later passage Dudley draws a delightfully ironical sketch of a middle-class household, while exhorting all classes to beware of idleness. He bids "ye honest marchauntes and other wealthie comyners, be not a shamid to gyve your childeren parte of theis paringes" of true exercise: "lett not the feminine ('femyne' in the text) petie of your wives distroie your childeren: pompe not them at home in furrid cotis, and ther shertes to be Warmyd ayenst ther vprising, and suffer not them to lie in there beddes tyll tenne of the clock and then a Warme brakefast or there handes be Washid. His nature is so tendre he may nether lerne nor labor. 'Master John', he must be callid, and his father, 'Ser marchant!'" [3]

The clash of class interest thus shown, marked, then as now, a time of vast social change. But in spite of this the economic, as well as the political, theory found in the writers of the sixteenth century is based on that of the medieval schoolmen who had taught "that economic interests are subordinate to the real business of life which is salvation, and that economic conduct is one aspect of personal conduct." [4] The doctrine of a "just price" in the sale of goods

[1] *Tree*, p. 21. [2] *Ibid.*, p. 19. [3] *Ibid.*, p. 35.
[4] R. H. Tawney, *Religion and the Rise of Capitalism* (1926), p. 31.

or hire of labour had been extended, by the pressure of capitalist development in the fifteenth century, to the calculation of profits, and, for the successful working of such a theory, writers and law-makers pre-supposed the stratification of society according to function. This great ideal involved deep respect for the duties and standard of life in each class and the men who held it reproved most energetically any desire to rise above the station allotted by birth. Edmund Dudley certainly had orthodox opinions on these matters, in spite of the fact that he created an immense fortune for himself,[1] and made it, principally, by taking advantage of every land speculation that came his way,[2] partly by using the royal favour that was exercised on his behalf after the twentieth year of the reign of King Henry VII,[3] and partly, no doubt, by exerting his political and legal influence. To his conscience he may have justified his aims by recalling his noble birth and hereditary right to "land-hunger," and his methods by a study of those of his contemporaries, mostly engaged on the same task of increasing their patrimony. Litigation was a favourite pursuit of many in the fifteenth century, when the excessive formality of the common law offered great opportunity for the spinning out of a case until one, and probably both, of the parties were ruined. It was possibly due to embarrassments caused by earlier law-suits that Sir Adrian Fortescue parted with Nursling Beaufo in 1506,[4] and the proceedings

[1] Inq. P.M., Chancery Series II and Exchequer Series II, returns made of manors in the counties of Surrey, Sussex, Hampshire, Dorset, Lincoln, Wiltshire, Cambridge and Oxford.

[2] L. and P., H. VIII, Vol. 2, pp. 4–9, for following quotations from Edmund Dudley's will : " Lands in Lancasher y^{t} I purchased of my Lord Dacre of the South : " " wher I bought of Roger Lewkenor of Sheffelde : " repayment of £100 to Sir David Owen " that I had of his in a bargeyne of londs."

[3] Patent Rolls. Marriages and Wardships, 20 H. 7, p. 1, m. 25 (12) ; p. 3, m. 5 (16). Seneschal, 21 H. 7, p. 1, m. 15 (22) ; p. 2, m. 4 (18) ; 22 H. 7, p. 1, m. 14 (15) ; 23 H. 7, p. 1, m. 15 (12) ; p. 3, m. 12 (15). Pension payable from Mich. 20 H. 7 for services as " consilarius noster," 22 H. 7, p. 1, m. 25 (4).

[4] *V.C.H.* for Hampshire, Vol. III, pp. 435–6. Cf. law-suits of " Wild Darrell," H. Hall, *Society in Elizabethan Age*, ch. I. and *passim*.

leading up to, and out of, the purchase of Sheffield in Sussex from Roger Lewkenor were long and complicated.[1] The expense, violence and uncertainty of such actions were notorious, and methods of arbitration had been developed, though they had not always worked satisfactorily.[2] Therefore, among the many duties appertaining to a landed gentleman, Dudley emphasizes his obligation

" to helpe and guyde as his power may extend, nor entend any murther or mischivous deede, nor be oppressors or distroiers of there neighebours or tenantes, nor by [i.e. be] any berers or supporters of false quarrelles or matters of ill disposyd persons . . ."

but to

" be the makers of endes and lovedaies, charitable, bytwene neighbors and neighebors, frindes and frindes, Be the helpers and relevers of poore tenantes, and also be the manteynors and supporters of all poor folkes in godes causes and matters, And specially of wydowes and orphantes . . ." [3]

" Maintenance " had not always an ill meaning for, in a case arising out of a debt owed to a Burgundian who was ignorant of English and Latin, the judges found for the defendant that it was a " work of charity to aid and succour one who could not help himself." [4] This opinion was given in spite of the fact that he had made a contract for half the debt if the action to recover it was successful. One case is recorded of maintenance by Edmund Dudley himself, as on one occasion he helped Elizabeth Hall to disseise a certain John Senior of a manor and advowson near Marlborough.[5] Whether the action was justifiable or not is impossible of proof now, though we find that by April,

[1] Inq. P.M., Exchequer Series II, No. 1067 : 1.

[2] Paston Letters, ed. J. Gairdner (1872), I, Nos. 83–90 : Tottell, *Year Books*, H. 9, H. 7, No. 7 : Keilwey, *Reportes*, P. 23 H. 7, No. 6.

[3] *Tree*, p. 18.

[4] Tottell, *Year Books*, T. 14 H. 7, No. 3. Cf. I. S. Leadam, *Select Cases in Star Chamber*, p. lxv.

[5] Inq. P.M., Exchequer Series II, No. 962 : 17 ; cf. Inq. P.M., Chancery Series II, No. 72, for a second account.

1 Henry VIII, their adversary was again taking the profits of the estate.

But even if Dudley could maintain the lawfulness of his own rise to wealth he firmly believed that the sober acceptance of our lot in life is the basis of good morals. He declares that " the commynaltie of this realme " only share the root of concord when they do not " grudge nor murmure to lyve in labor and paine, and for the most parte of ther tyme with the swete of ther face," nor " counterfete the state of his Better nor . . . excede in ther apparell or diet." [1] Nor did Dudley fail to notice the coming of capitalist landlords whose wealth, he roundly asserts, was founded on fraud or on usurious loans to great men,[2] and he especially condemns that borrowing of wares on short-dated terms that was destroying the small-holder and master-craftsman.[3] Like his master, Henry VII, Dudley would check the mingling of classes [4] so that every man might live " after the honour and degre y^{t} god and his prince hath callid him vnto, and after y^{t} part or porcion to leade his lyef, and not to maligne or envie his superiors nor disdaign or sett at nought his inferiors." [5] He shared to the full class-prejudices against the aspirations felt by the peasants for social equality, and he implied, in language which deliberately recalled the preaching of John Ball in the fourteenth century, that such ideas lay at the back of the rising of the Cornishmen " with their capten the Black Smithe," in 1497.[6] Yet he showed himself an aristocrat of a more humanistic type when he urged that it was "not Honourable blood and great possession, or riche apparell, y^{t} makyth a man honorable, Hym self being of vnhonorable conditions," [7]

[1] *Tree*, p. 19. [2] *Ibid.*, p. 20.

[3] Cf. R. H. Tawney's introduction to *A Discourse Upon Usury* (1925), pp. 22–6.

[4] Rot. Parl., 2 H. 7, c. 8. [5] *Tree*, p. 18.

[6] *Ibid.*, pp. 50–57, preaching of Arrogancy.

[7] *Ibid.*, p. 19. Cf. Egidius (Romanus) Colonna, *De Reg. Princ.*, Pt. II, Bk. II, Ch. XVIII; Eng. Works of Bishop Fisher, E.E.T.S., Extra Series, XXVII, p. 290; Sir Thomas More, *Life of Pico.*, Eng. Works (1557), pp. 1 *et seq.*

for he realized, with many of the thinkers of his time, that a character formed by sound learning is the truest foundation of a useful life.

But, though Dudley showed himself awake to many of the interests, movements and passions of his time, his main concern was with the administration with which he was early brought into contact.[1] In the Patent Rolls we can watch the progress of his training, which seems to have begun in 1493, when his name was associated with his father's on the commission of the peace for Sussex. Official records completely disprove any idea of a phenomenally youthful rise to the rank of councillor. This is a theory which has always been hard to reconcile with Henry VII's known caution and lack of trust in any he had not personally proved, but it probably owes its origin to Edward Hall's interpretation[2] of a passage in Polydor Vergil. As a literary device, Vergil, in his introduction [3] to the reign of Henry VII, gives a list of all that monarch's councillors for the whole reign, and so avoids the drudgery of a chronicler. Dudley's noviciate, however, was not so quickly passed. In 1501 his name occurs on the commission of the peace for Southampton and also among a group of four whose chief duty it was to make a return of "concealed" lands in Sussex.[4] Only after this experience in local government, and as Under-Sheriff of London and Speaker in the Parliament of 1504, do we find Dudley's name among the king's councillors in the autumn of that last year.[5] Nor do we know much of his work even then, though there are two references to him as "president of the council" in charters granted to Chirk and Denbigh on 20 July, 21 Henry VII.[6]

[1] *Tree*, pp. 21–2. Analysis of frauds practised by wool and cloth merchants and proposals for a commission of experts to undertake reforms.

[2] *Chronicles*, "The Union of the Families of Lancastre and Yorke" (1809), reign of Henry VII.

[3] *Angl. Hist.*, Liber XXVI (1555).

[4] Pat. Rolls, 17 H. 7, p. 1, m. 11 (20) *d.*

[5] *Ibid.*, 22 H. 7, p. 1, m. 25 (4).

[6] *Ibid.*, 21 H. 7, p. 2, m. 5 (17) and 18 (4).

But as the duties, and even the permanent existence of such an office at that time, are matters of dispute, this entry does not throw much light. Probably Polydor Vergil's imaginative title of "judices fiscales"[1] for Empson and Dudley comes nearest the mark, for, by a long tradition, these men have been associated with the financial reorganization that went on under Henry VII. In Common Law Pleadings in Chancery dealing with the traverses put in against the findings of various inquisitions made on the death of one of the King's tenants, we generally find James Hobart and John Ernley acting on behalf of the King,[2] and in two of the cases in which the King's admission of the truth of a traverse has survived Edmund Dudley has signed it.[3] Also most of the recognisances for the payment of loans or fines which were cancelled at the opening of Henry VIII's reign, in many cases because they had been paid up,[4] were levied by a small committee consisting of Lovell, Treasurer of the Household, Empson, Dudley, Hobart, the King's attorney in the Exchequer,[5] or Hussey, Chief Justice of the King's Bench, or Lucas or Ernley, sometimes called the King's attorney.[6] These men were at work from the twentieth year of the reign of King Henry VII, and the evidence of these recognisances shows that, both here and in Chancery, Dudley was engaged on the task of developing the King's resources by methods that confirm the view that the King's household, rather than the important offices of state, was still the real administrative centre.[7] Its methods and organization being somewhat bureaucratic and irresponsible it escaped, in certain measure, the control

[1] *Angl. Hist.*, Liber XXVI.

[2] C.L. Pleadings, Chancery, Bundle I, Nos. 14, 36, 38, 40, 41, 47, 49–53.

[3] *Ibid.*, Nos. 30 and 32.

[4] Cf. H. Hall on the use of bonds, *Select Cases on the Law Merchant* (1932), Vol. III, pp. xiv *et seq.*

[5] Tottell, *Year Books*, M. 10 H. 7, No. 14.

[6] Chancery Warrants II, No. 343.

[7] A. P. Newton, in *Tudor Studies*, ed. by R. W. Seton Watson (1924), p. 232, speaks of "the last and, in some ways, the most far-reaching outburst of Chamber and Household activity under Henry VII."

of the common law,[1] and, however beneficial its work on the whole, the victims caught in its net would feel additional resentment on account of the possible informality of the proceedings. Dudley, who had great reason to know the truth of what he writes, expresses their feelings when he bids Henry VIII use the common law procedure in dealing with his subjects, " for, thoughe the matter be never so trew y^{t} thei be callyd for, though their pain or ponysshement should be sorer by the dew order of the law, yet will thei murmur and grudge by cause thei arre callyd by the waie of extraordynarie [justice]." [2] Also in a later passage he counsels more moderation in cases touching the Crown than he himself had shown, " or els his iustice wilbe sore, y^{t} it will oftetymes appere to be crueltie rather than iustice. And I suppose ther is no christen [king that] hath more nede " to show mercy " than our prince and sovereigne lord, consydering the greate nomber of penall laws and statutes made in his realme for th[e h]ard and straighte ponyshement of his subiectes." [3]

Thus caught in the machinery of government Dudley became, with his older colleague, Empson, the object of popular detestation and, though an executor of Henry VII's will,[4] he was quickly arrested and sent to the Tower to await his trial for treason.[5] The only account of the proceedings in the Guildhall is in the record returned into Chancery in reply to a writ directed to John Fyneux and the other commissioners authorized to enquire into treasons and disturbances in London.[6] The case proceeded in the presence of a number of nobles, judges and officials, and after three days Dudley was convicted of conspiring " to seize the king and his council by force and to govern

[1] Cf. W. S. Holdsworth, *Influence of the Legal Profession on the Growth of the English Constitution* (1924), pp. 20–2.
[2] *Tree*, p. 12.
[3] *Ibid.*, pp. 15–16. Cf. Italian Relation of England (1847), p. 34.
[4] L. and Papers of Henry VIII, ed. Brewer, Vol. I, No. 1.
[5] Hall, *Chronicles*, pp. 505 *et seq.*
[6] Baga de Secretis, Pouch IV.

according to his will." To this end he was accused of having called on certain knights, gentlemen, and other friends to repair with their servants and adherents "in warlike guise" to his house "in the ward of Candylwykstrete." Of the evidence offered there is no mention, so that we do not know whether any use was made of the discovery of a quantity of armour in his house in London.[1] In any case the treason was probably one of self-defence, but the charge should not be arbitrarily dismissed as a mere pretext if we consider the instinctive turbulence of those times [2] and recall his son's actions in 1553. But, whatever the grounds of their conviction, Empson and Dudley were too important to be dealt with hurriedly. The attainder of these men by Act of Parliament may have been threatened, but does not seem to have been carried out.[3] The only Act of Henry VIII's first Parliament that refers to the lands of Empson and Dudley is one to protect those for whom they had been trustees,[4] and in the returns to Chancery and the Exchequer, which record Dudley's property in various counties, the trial in the Guildhall is alone recited.[5] But Dudley's will shows that he had evidently been kept in doubt as to further proceedings against him. At the opening of it he speaks of himself as standing "attainted of high treason by an untrue verdytt lately passed agenst me in the yelde hall within the City of London," by which verdict the goods standing in his own name were forfeited to the King's use. Yet when speaking of his plans for escape Dudley urges that the kinsmen and servants concerned had unwillingly joined in the plot "to have saved my life, knowing for WHAT a cause I was attainted for," and avers that he himself only

[1] K. R. Inventories 2 (17).

[2] Tottell, *Year Books*, M. 2 H. 7, No. 7, records debate at White Friars as to whether Sir R. Croftes, Treasurer of the Household, and Sir R. Corbet had broken their sureties for good behaviour by appearing with swords, daggers and bucklers in the Hall of Westminster.

[3] Dugdale, *Baronage*.

[4] Rot. Parl., 1 H. 8, c. 20.

[5] Inq. P.M., Chancery Series II and Exchequer Series II, returns made of manors in the counties of Surrey, Sussex, Hampshire, Dorset, Lincoln, Wiltshire, Cambridge and Oxford.

intended to put the idea into action if the attainder had passed the Commons, Lords and King. He understood that the measure had passed the first, but confesses to uncertainty, and considers that one, Brymeley, who knew everything, " all thinges consideryd, moughte have delt with me better than he dyde." [1]

To the people of his time, however, it mattered little whether the accusations were genuine or not, so long as Empson and Dudley perished. They had drawn upon themselves the wrath of all who had suffered from Henry VII's financial policy and their adversaries came from every class. The tradition of their exactions as " judices fiscales," and of the oppression caused by the " informers " they encouraged, is first expressed by Polydor Vergil. Hall adds further details to the Italian's outline, and gives a list of the principal men who worked for Dudley, and mentions that the complaints received during Henry VIII's first progress were the real cause of the execution of the late King's ministers on the 17th August, 1510, after more than a year's imprisonment.[2] Stow's interest in Robert Dudley, Earl of Leicester, for whom he made a copy of the *Tree of Commonwealth* in 1562,[3] may have led him to study rather minutely the relations between Henry VII's ministers and the City of London. Whatever his reason for his careful chronicling, the *Annales* certainly reveal the fact that Empson and Dudley had need to fear more potent enemies than mere popular outcry, once the strong protection of Henry VII was gone. The merchants had bitter reason for their wrath. Writing of 1507, Stow says :

" But true it is, that this yeere, or rather somewhat sooner, sprang much sorrow through the land, for by meanes of graceless persons, which named themselves the King's Promoters, many forgotten statutes, made hundred of yeeres passed, were now quickened, and sharpely called upon. . . ." [4]

[1] L. and P., H. VIII, Vol. 2, ff. 4 *et seq.*
[2] Hall, *Chronicles* (1809), Reign of Henry VIII, pp. 505 *et seq.*
[3] Stow, *Annales* (1592), p. 815.
[4] *Ibid.*, p. 810.

While acknowledging that Henry VII in earlier days had dealt with some merchants ruthlessly, Stow blames Empson and Dudley for the persecutions that took place in 1508. He mentions, among others, the case of Sir William Capel, a second time in trouble with the King, who was then indicted by Derby, Simson and others "fastly bound to the girdles of Empson and Dudley." [1] This time he was accused of neglecting a case of false coining during his mayoralty, and because he would not pay two thousand pounds was committed to the Tower by Dudley.

Full details of a somewhat similar case survive in the archives of Westminster Abbey in an action brought by Thomas Sunnyff, a London haberdasher, against John Camby, an adherent of Dudley, alleging false imprisonment arising from a slander on Sunnyff's wife.[2] This unfortunate couple were in prison for eleven weeks while the charges were investigated, and though no trustworthy evidence was discovered, Sunnyff was brought before Dudley and ordered to pay six hundred marks. On his refusal Sunnyff was ordered to the Tower, but was confined strictly in Camby's charge in the Poultry Yard, Cheapside. Eventually he secured the trial he demanded and was brought before the King's Bench, but bail was refused when the application was opposed by the King's counsel. Again Sunnyff was committed, this time to Southwark, and, after a month there, agreed to pay five hundred pounds. He paid down two hundred pounds and found sureties for the rest, which was to be paid in twelve several sums of fifty marks according to recognisances entered into on 27 October, 23 Henry VII, and cancelled by "certain of the executors of the said late kinge and other of our counsell" on 12 March, 2 Henry VIII.[3] But Edmund Dudley, while confessing that "ther is no matter y^{t} I have more remors in," clearly rebuts the charge of personal corruption made by

[1] Cf. Tottell, *Year Books*, M. 10 H. 7, No. 14.
[2] Westminster Abbey MSS., Nos. 9260 and 12249.
[3] Chancery Warrants, II, No. 360.

Stow and Bacon and so often repeated. He goes on to say:

"Also, Sunnyff, your recompense ought to come of the kinges executors, for the kinge hadde your money, every grotte, and I no penny therof: howbeit, by cause I was the executor of ye wronges, rather than ye shall lacke recompense, if I had ought as I have nought, I wold recompense you my selfe, and therfore I shall lowly besech the kinge and the most honorable Counsell y^{t} ye maye be recompencyd, rather than fayll of such poore goddes as wer myn, for verely ye had greate wronge."[1]

The reaction of the mercantile classes to this policy of Henry VII is revealed clearly in the statutes of the first Parliament of his son's reign. Not only was the Customs' procedure simplified, so that there should be less ground for false charges, but it was enacted that actions on a penal statute, even by the King and his heirs, should be concluded within three years, and that private actions should be finished within one year, for the legislators go on to declare that "the greate nombre of which statutes penalle have not ben putt in execucion tyll now of late."[2]

At the same time the clergy, who, from a study of the Letters and Papers of Henry VIII,[3] seem to have suffered as much as the merchants from the last King's rigorous exaction of legal penalties, gained little parliamentary help. In Henry VIII's first Parliament the law prohibiting the export of bullion was again confirmed, though the penalty of felony was abolished in favour of the forfeiture of double the value of the exported gold.[4] The higher clergy, especially the more important Abbots, had many payments to make to Rome, and were mulcted of very large sums when informations were laid against them. This severe administration of the law may in part account for the fact that in 1507

[1] Westm. Abbey MSS., No. 12249. Lansd. MS. 127, ff. 46 *et seq.*

[2] Rot. Parl., 1 H. 8, c. 9 and 10. For the Customs, see the works of Gras and Hall.

[3] Vol. I, f. 102.

[4] Rot. Parl., 1 H. 8, c. 18. Cf. I. S. Leadam, *Trans. of R. Hist. Soc., N.S.*, Vol. XIX, pp. 279 *et seq.*

public indignation with his ministers was revealed to Henry VII "partly by devout persons about him and partly by public sermons, the preachers doing their duty therin," and that he assuaged his remorse by giving "greater alms than accustomed," by hastening the work on religious foundations, including that of the hospital of Savoy, and by discharging all debtors who owed less than forty shillings.[1]

Estranged thus from the mercantile and ecclesiastical classes, Henry VII's ministers were in a very dangerous and isolated position at the close of his reign. Moreover the nobles, and all others who were injured by Henry VII's determination to find out and maintain his feudal rights, resented their work as King's commissioners. That such a policy must have been oppressive and sometimes unjust is probably true. There had been a generation bred during the civil wars which had almost forgotten the existence of, and had certainly never paid, the King's claims. But, before calling the King's policy retrograde and an attempt to "put the clock back," we must remember that the main sources of the royal revenues remained feudal and inflexible until the days of the Long Parliament. Sir John Fortescue, in 1471, makes it clear [2] that, in his opinion, "indigence" had ruined the Lancastrian dynasty, for the administration had in part collapsed and in part fallen into the hands of nobles. After discussing the French gabelle and the Burgundian excise he rejects both as likely to cause discontent on account of their novelty, and urges the King to exert his powers of escheat, wardship and marriage to increase his landed property.[3] Henry VII, whether unwittingly or not, accepted Fortescue's advice on both subjects. Taxation made his people discontented, and new forms, in a notoriously conservative country,[4] might have

[1] Bacon, *Hist. of the Reign of Henry VII* (1876), p. 209.

[2] *Governance of England*, ed. C. Plummer (1885), Ch. V and IX.

[3] *Ibid.*, Ch. X.

[4] *Ital. Relat.*, p. 37: "And if the King should propose to change any old established rule, it would seem to every Englishman as if his life were taken away from him . . ."

created worse disturbances than those of 1497. Yet, with Fortescue and Dudley, he knew that an unpaid official was a running sore in the nation's side.[1] But fortunately Henry VII was territorially wealthy, as the merest glance at the Patent Rolls quickly reveals, and by the power of issuing commissions, a prerogative of great value and undoubted antiquity, he extended these resources at the expense of many land-owners. The King was here in danger of stirring up dissatisfaction, but he may have considered, as did an Attorney in his son's Court of Wards and Liveries, that such enquiries were essential, considering " how great inconvenience may issue to the King by suppressing his Tenures, and consequently withdrawing one of his ancientest revenues of the Crowne . . ." [2]

The financial reorganization of Henry VII touched the work principally of the Chancery and Exchequer, but it is hard to get an accurate picture of the work of government, as the archives of his reign have suffered in so many ways. But from the Patent Rolls we have some interesting examples of his commissions and can deduce the probable developments of his system. In his first year authority was given to John Venables and Bartholomew Westby to enquire of all lands in Northampton, Leicester, Somerset, Dorset, Kent and Middlesex which had, or ought to have, come into the King's hands by reason of any attaint or forfeiture, and they were ordered to make a return under their seal to Chancery.[3] The second series of commissions [4] in that year ask for information about the many kinds of " concealed " lands, manors and advowsons, lands given in mortmain without license, or, when held in chief, purchased, alienated or entered without license, and also about the estates of particular Yorkists. The inquisition extended to the counties of Bedford, Buckingham, Northampton, Sussex,

[1] Fortescue, *Governance*, Ch. VI; Dudley, *Tree*, p. 16.
[2] Ley, *Treatise concerning Wards and Liveries*, p. 77.
[3] Pat. Rolls, 1 H. 7, p. 2, m. 15 (11) *d.*
[4] *Ibid.*, 1 H. 7, p. 4, m. 15 (10) *d.*

Surrey, Kent, Hertford, Essex, Middlesex, Dorset, Warwick and Wiltshire. We do not know whether these enquiries produced such a storm as later ones roused, and so increased the young king's natural caution, but for many years such general commissions were rarely used, though the method survived for recording the estates of particular persons, often rebels. The earlier system, of which there is a trace in Richard III's reign,[1] was revived in 1501 when Edmund Dudley, John Erneley, Thomas Purvyche and John Garton were sent to enquire into lands in Sussex,[2] and other commissions were issued for Warwick, Shropshire and Berkshire. After this inquisitions were held in many counties, and the form of the patents, which varied from time to time, grew more elaborate. In September 1508 the instructions issued to Edmund Dudley, John Erneley, Richard Hesket, Thomas Lister, John Skylling and others for Wiltshire include enquiry, by jury, into all lands, knight services, advowsons, wards, marriages, reliefs, heriots, wrecks, fines and amercements, as well as into infringements of the forest laws, entry on lands held of the king in chief without license, the lands of idiots and lunatics, and into murders, felonies and other crimes, and into concealments, by officials, of customs, subsidies and fines.[3] The net cast was thus wide, and the Common Law Pleadings in Chancery [4] show that many unimportant people were affected by these inquisitions. That some of these commissioners used their power oppressively is likely, and a certain number of their decisions were reversed after proceedings by petition of right in Chancery [5] in the early days of Henry VIII. Strangely enough, a considerable group of these cases resulted from the work of the Hampshire commission in the last years of Henry VII's reign. These people had had the temerity, in November 1508, to return that Edmund Dudley had entered on the

[1] Pat. Rolls, 2 R. 3, p. 3, m. 24 (*d*).
[2] *Ibid.*, 17 H. 7, p. 1, m. 11 (20) *d*.
[3] *Ibid.*, 24 H. 7, p. 3, m. 17 (4) *d*. Cf. *Excheq. Spec. Comm.*, P. Record Office, for methods of such commissions in the sixteenth century onwards.
[4] Bundle I.
[5] *Ibid.*, Bundle II.

half of the manors of Gatcombe, Calbourne and Whitewell in the Isle of Wight, in February 1502, without suing livery from the King, although the manors were held in chief.[1] As we learn from the Patent Rolls [2] that Edmund Dudley had hastily to obtain a pardon for himself and his brother-in-law, Sir Andrew Wyndesore, we may believe that the King's servants, however rigorous, had learnt to work without fear or favour. Bacon seems to have discovered the reason for Henry's choice of ministers when he declares that Henry VII did not "care how cunning they were that he did employ, for he thought himself to have the master-reach." [3]

The departmental records that remain can give us no definite answer as to whether Empson and Dudley were really responsible for this policy or were merely the instruments chosen to work Henry VII's plan. In 1501, when the inquisitions were revived, Edmund Dudley, if experienced in local government, was still comparatively unimportant in the capital, but when, on 19 August, 1508, there came the great effort to centralize all these commissions under the control of Edward Belknap, esquire, Sir Thomas Lovell, Sir Richard Empson, Edmund Dudley and Henry Wyatt were the auditors appointed to receive his accounts. To Edward Belknap and his successors in office was given, under the title of "supervisor of the prerogative," the authority to receive the profits from the crown property and from the many rights of wardship that then existed, to make all arrangements for the lease of manors and offices, and for the disposal of the guardianship of the person and property of widows, lunatics, heiresses or minors, and, by jury or any other method, to enquire into all "concealments" on the part of land-holders or officials. The commission issued to these Supervisors overrode the powers of the sheriffs, who were required, as usual, to give every assistance in summoning

[1] Inquis. P.M., Series II, Vol. 22, No. 12 (10).
[2] Patent Rolls, 24 H. 7, p. 1, m. 3 (33).
[3] Bacon, *Hist. of the Reign of H. VII*, p. 217.

juries and forwarding enquiries, and, moreover, this small committee under the Treasurer of the Household, and not the Exchequer, had power to grant a full discharge of all debts and obligations.[1] This very interesting patent, which foreshadows, perhaps, the later Court of Wards and Liveries, reveals two sources of danger. The first was that the powers it granted might well antagonize the common law, and even the Chancery, practitioners, for the Chancellor and the judges were required to deliver the necessary writs, precepts and mandates without having further cognisance of the cases before the commission. Such a state of affairs seems, indeed, to have arisen. In the preamble of a statute made the first year of the reign of King Henry VIII,[2] as well as in the general pardon of that year,[3] mention is made of the difficulty of lodging traverses against inquisitions made in the King's favour, and of the attempt to force the parties to sue their livery first which meant that afterwards they would have to proceed by the costly method of petition of right. The second danger lay in the methods of paying the officials. The Supervisor was to have a ninth part of the total profits, and local agents were entitled to a tenth of the residue of the revenues in their districts. Naturally we may expect that professional pride and hopes of personal advantage made these officials a menace to the security and happiness of the countryside, and this may account for the loathing with which the agents and informers were regarded, and for the revengeful spirit shown towards those generally held to have instigated their proceedings.

Yet before we endorse public opinion we must remember the many errors into which it continually falls. In the reign of Henry VII there had already occurred one such aberration from impartial justice. If Vergil[4] and Bacon are to be believed, Sir Reginald Bray, who was vilified as the originator

[1] Pat. Rolls, 23 H. 7, p. 3, m. 24 (3).
[2] Rot. Parl., 1 H. 7, c. 17.
[3] L. and P. of H. VIII (Brewer), Vol. 1, No. 2.
[4] Vergil, *Angl. Hist.* (1555), Liber XXVI, for account of rebellion of 1497 and of Bray's death in 1502.

of the King's oppressive finance at the opening of his reign, was the "father of his country," and most outspoken in his counsels for moderation. Dudley also may have been less guilty than popular opinion or literary tradition hold him. He had against him powerful foes, one of whom may have been Margaret, Duchess of Richmond and Derby, the King's grandmother and of political importance on the accession of a mere youth of eighteen.[1] She seems, at least, to have taken an interest in the prosecution, for from among her papers in the Westminster Abbey archives come those relating to Sunnyff's case and others dealing with some of Dudley's property.[2] Her moral prejudices may have been inflamed by her clerical advisers, but there were certainly others among Dudley's opponents who had no right to cast stones. Among them Stow singles out the Earl of Kent, a worthless gambler who so wasted his estate that, on his death, his brother refused the title.[3] Against this man Dudley and others had brought a successful action to recover some manors in Cheshire, and this law-suit may account for the feud and also for the fact that Henry VIII made a grant of maintenance for the Earl's penniless widow from Dudley's property in Hemyngforde Grey in the county of Huntingdon.[4] Therefore, as we know so little of the characters, opportunities and intrigues of this time it may be wise to accept Dudley's description of himself as one who bore "a hartie good will and love towardes the prosperous estate of my naturall countrie,"[5] and whose patriotism inspired him to write a remarkable book, full of wise advice for the youth who was picking up the reins of government.[6] This book was not marred by servility nor undue pleas for mercy,[7] but

[1] Stow, *Annales*, p. 812.

[2] Westm. Abbey MSS., Nos. 9260, 12249, 4942, 952, 940, 1266.

[3] *Annales*, p. 814; 21st Report of the Deputy Keeper, App. 45. Pleas in the Exchequer of Chester.

[4] Patent Rolls, 2 H. 7, p. 1, m. 6.

[5] The passage was omitted in the printed edition of the *Tree*, as it is badly confused in both the Chetham and Harleian MSS.

[6] *Tree*, pp. 5–6; also p. 22, an urgent plea for peace.

[7] *Ibid.*, p. 31.

showed Dudley loyal to the last to his master, King Henry VII, who was "in maner without faulte," saving only that he was inclined to set his felicity too much in worldly treasure [1] and so had failed to gain that popular affection so often wasted on more superficial characters.

[1] *Tree*, pp. 3, and 7 for quotation. My sincere thanks are due to Mr. R. H. Brodie for his help in solving many difficulties in the text of the *Tree*, and to Dr. H. Hall, who suggested many improvements during the revision of this essay.

QUEEN ELIZABETH AND THE SIEGE OF ROUEN, 1591

By R. B. Wernham, B.A.

Read 12 *May*, 1932

The foreign policy of England from 1589 until 1595 was dominated by the fear that Spain would take advantage of the French civil wars and the friendship of the Catholic League to secure control of the Channel coast from Brest to Calais. How dangerous this would be to England, we may easily judge from the fact that, years earlier, Menendez had seen in the establishment of a Spanish naval base at the Scilly Isles a means at once of crippling English sea-power and commerce and of rendering easy an invasion of the country.[1] Indeed, the least to be feared should the French ports fall into Spanish hands would be, as the veteran English captain Sir Roger Williams said, that " then must we at the least keep garrisons in all our port towns and send our ships royal in good numbers always to convoy our merchants." [2] The danger was most acute between 1590 and 1592, when the invasions of France by Parma from the east and the presence of a Spanish army in Brittany to the westward confronted English statesmen with a peculiarly difficult and complex problem. It was this problem that the expedition to Rouen in 1591 was intended to solve.

Once, it had looked as if the rapid successes of Henry IV of France, assisted by English men and money, during the winter of 1589–90, and his victory over the League at Ivry

[1] *Cf.* Corbett, *Drake and the Tudor Navy*, i. 197–8.
[2] S.P. France, xxii. f. 130.

in March, 1590, would nip the danger in the bud. Had he been able to reduce Paris, the rebellion could not long have continued: but the extremity of the League was the opportunity of Spain. Philip II of Spain had perhaps no great ambition to add new realms to his already large dominions, but conquest was in a manner forced upon him. Were France, united under a Protestant sovereign, to revive the policy of Coligny, it would be impossible to save the Spanish Netherlands. Parma, with the principal military force of Spain, would be isolated between insurgent Dutch and invading French. The Spanish possessions in Italy would be open to invasion, and Spain, cut off from the wealth of America and the Indies by the English sailors, would become a "barren seed-plot of soldiers" whom there was no money to pay. Thus, ever since the assassination of Henry III in July, 1589, Philip had been contemplating intervention in France, and the disaster of Ivry, followed by the siege of Paris and the death of the Cardinal of Bourbon, whose soi-disant kingship offered the only alternative to Henry IV or the Infanta, all played into his hands.[1] A way had opened to ward off the dangers which threatened his scattered dominions, perhaps even to weld them into a vast family compact of the west, against which neither England nor the Dutch could long stand. So in August, 1590, Parma marched into France and forced Henry to raise the siege of Paris. A month later Don John d'Aquila with 2,000 more Spaniards landed in Brittany, and for a few weeks it looked as if the two Spanish armies might join hands and take possession of the entire Channel coast.

The danger passed, but the fear of its return produced a great outburst of martial activity in England. The influence which chiefly determined Elizabeth's policy at this date was that of Burghley. The old Lord Treasurer was at this time almost without a rival. Hatton, who was perhaps the most serious, had neither the influence of a Leicester nor the intellect of a Walsingham, nor was he greatly interested in

[1] *Cf.* J. B. Black, *Elizabeth and Henry IV*, pp. 20–4.

foreign affairs.[1] Archbishop Whitgift was more concerned with Puritans at home than with Catholics abroad. The other councillors were, like Heneage, Knollys and Hunsdon, concerned rather with the execution than with the initiation of policy. The earl of Essex was in high favour, but, unlike Robert Cecil, whose precocious discretion had already won him the rank of a privy councillor, he was still too full of a boyish spirit of adventure to influence a sovereign whose policy was not dictated by ideal considerations and ambitions but rather adapted to the somewhat limited resources of her country. It is never easy to estimate the exact extent of Burghley's influence with the Queen, especially as he had learned, as Bacon says, to make himself "appliable" to her opinions rather than to press for the adoption of any policy of his own.[2] In most matters, however, their views seem largely to have coincided, and there is little doubt as to their real aims. England's rôle in the struggle for the Channel ports was to be that of an army of reserve. If Henry could not or would not defend them against sudden attacks, then English forces must be sent to the rescue; and if any opportunity occurred of establishing the King's authority over all or any large part of the coast, English assistance must be given if it was required.

In accordance with this policy the Queen had already sent £15,000 to help raise a German army to balance Parma's veterans, and in April, 1591, after long negotiations, Sir John Norris was sent with 3,000 men to drive the Spaniards from Brittany. Four thousand men were also promised for Picardy if Parma moved before the German army arrived. This last promise was given only with reluctance, owing to a serious divergence which had appeared between the policy of England and that of France. The King, with half a realm to conquer, could not spend all his time upon the

[1] He did, however, show some interest in the Rouen expedition, chiefly owing to his connection with the ambassador Unton: *cf. Unton's Corresp.*, pp. 143, 177; *Hatfield MSS.*, iv. 145–6.

[2] Spedding, *Letters and Life of Francis Bacon*, viii. 198–201.

sea-coast. He had gone inland to besiege Chartres, and in his absence Honfleur and Fécamp fell into the enemy's hands, Boulogne was in danger, and Dieppe was saved only by the detachment thither of 600 of Norris's troops under Sir Roger Williams. The whole Norman coast was in danger, and with the Spaniards in Brittany and Parma on the frontier, the worst fears of English statesmen and soldiers seemed about to be realized.[1]

Then late in April news arrived that the Germans would be ready to march by the end of May and that Parma was doomed to inactivity until August. An opportunity was clearly offered to sink all differences in some large joint enterprise. A careful review of all England's commitments convinced Burghley that such a further effort was possible, and thereupon Elizabeth offered to assist Henry in an attack upon Rouen as soon as his Germans should arrive.[2] The capture of Rouen would not only open up a valuable market for English goods, to which most of the Continent was now closed, but it would also strike at the root-causes of the French King's weakness. He was weak chiefly because the great towns of northern France were held by the League. This deprived him of the vast bulk of the more accessible sources of revenue, the customs and the taxes upon goods, and made him unable to pay the large mercenary armies which the intervention of Spain made necessary. The Huguenot towns of the south and west were too occupied with local wars to help him. Nor could a reliable army be formed from among his Catholic subjects, for the great nobles were not anxious for a strong monarchy, the gentry served only when a battle or a siege promised excitement or plunder, and all were impatient for his conversion to their own faith. On the other hand, if Rouen fell, Paris and the towns of Normandy and Picardy would soon surrender and

[1] S.P. France, xxi. f. 278; xxiii. ff. 84, 124, 171, 191; xxiv. ff. 29, 30, 98; Birch, *Memoirs, etc.*, i. 64–5.

[2] S.P. France, xxiv. ff. 47, 71, 88; S.P. Domestic, ccxxxviii. 77, 78, 88, 109; Birch, *Memoirs, etc.*, i. 65.

the war would be driven eastwards towards the frontier. Then the Channel coast would be secure, the Breton royalists might be reinforced, and, to quote Williams again, the King would be "upon his horseback and make all Spain to shake with his means." [1]

In the middle of June the French ambassador, de Reau, returned with Henry's approval of the enterprise, and an offer that if Elizabeth would at once send 4,000 men, paid for two months, with pioneers, artillery, and munitions for the siege, her agents should be allowed, when Rouen or Havre fell, to collect the royal revenues in those towns until all her expenses, past and present, on his behalf had been reimbursed. This offer banished Elizabeth's doubts, and on June 25 the agreement was signed.[2] The Queen, as was her wont, had made a good bargain; but all Henry's requests (except that for pioneers) were granted, so that it can hardly be said that the success of her diplomacy in any way imperilled the success of the undertaking.

Orders were promptly issued for the levy of 3,400 men, who with the 600 already at Dieppe would make up the 4,000 that Henry considered to be necessary. Half of them were taken from the train bands, volunteers were enlisted in place of the least able of the pressed men, and every effort was made to obtain fit and stalwart soldiers, well armed, well clothed, and well equipped. It was probably the finest force that England could have raised without calling yet again upon the seasoned troops in the garrisons of the Low Countries. Captains such as Thomas Baskerville and John Wingfield, who had made war their trade, were appointed by the Council to fill the places to which the Lords-Lieutenant had nominated the inexperienced leaders of the county trained bands. The chief command was given to the earl of Essex, whose popularity did much to keep the army together and in good humour. The Queen consented to this appointment with much reluctance and even when the

[1] S.P. France, xx. f. 128; xxiv. ff. 55, 70.
[2] S.P. France, xxiv. f. 211; Rymer, xvi. 102.

earl's protracted petition upon bended knee had at last won her agreement, she insisted that he should do nothing without the consent of Sir Thomas Leighton, Sir Henry Killigrew, and the new ambassador, Sir Henry Unton, who were appointed to act as his official advisers.[1]

By the end of July the troops were ready to embark. Everything favoured an early beginning of the siege. The Germans were said to be in Lorraine, the French gentry were flocking to the royal standard, Parma was still unable to move, and Rouen was in no state to withstand a siege. Accordingly the English embarked and by August 2 all were assembled at Dieppe, where they were to wait until the agreement of June 25 was ratified and the royal army came up. Nothing was heard of the King until the 14th, when Williams arrived with news that he had taken Noyon, in Champagne, on the 9th, and wished Essex to visit him there. With Williams came de Reau bearing the ratification and a request that Elizabeth would allow her troops to serve against Parma if he came before the Germans, and a statement that even when the Germans arrived the first concern must be to hold off the Spanish army. Such a message cast doubt upon Henry's sincerity and was calculated to provoke Elizabeth into a passion fatal to the enterprise. Without informing anyone in England of de Reau's request Essex therefore rode off with all his horsemen to obtain the King's consent to an immediate beginning of the siege, for all the English officers believed that Henry, who expected to put some 40,000 men into the field against the 25,000 which Parma and Mayenne were expected to have, would be able, if necessary, to fight a battle without raising his siege. In any case they felt that Rouen would be unable to hold out until Parma could come to the rescue. The journey to Noyon, through country "devotionated to the enemy," was safely accomplished and the allies sketched out their

[1] S.P. Domestic, ccxxxviii. 49; Lansdowne MSS., lxvi. f. 207; *Acts of Privy Council*, xxi. 220 ff., 242; Devereux, *Lives of the Devereux*, i. 215; S.P. France, xxv. f. 68; *Unton's Corresp.*, pp. 1–10.

plan of campaign. Henry, after meeting his Germans and providing for the defence of the frontier, was to be at Rouen on September 25 : Marshal Biron with the French army was to precede him and begin the siege on the 15th. Essex and his men had been sent for only two months and the second month would expire on September 26, so this was by no means to their liking, but better could not be had, and on August 23 the return journey was begun. Again they rode "through the mere enemy's country, riding all day armed, the weather most extreme hot." Near Gournay, Villars, the governor of Rouen, barred the way with a superior force, and the English infantry had to be called up from Dieppe to clear the way. After a somewhat unnecessary bravado under the walls of Rouen, where Essex lost his only brother, Walter Devereux, the whole force returned to Dieppe early in September.[1]

The news of Essex's escapade following hard upon de Reau's message, which he had delivered on September 1, threw Elizabeth into a great rage. She felt that her assistance had been obtained upon false pretences and that her own general was aiding and abetting the offender. That Rouen could be taken, or even that the siege could be begun, before the 26th, she entirely refused to believe. De Reau was told that if Henry wanted her troops after that date he must pay them himself, and moreover prove beforehand that he could find the money for this : in any case they might serve only against Rouen. Worse was to follow. Henry, whose aim seems to have been to commit himself to no large undertaking until he was perfectly sure of Parma's powerlessness to interrupt him, was pursuing a papal force through Lorraine and had not yet met his Germans. Biron had indeed arrived to time, but he refused to begin the siege until the surrounding places such as Gournay and Caudebec had been reduced. On September 12 therefore Essex was told that he must return on the 26th with the bulk of his

[1] S.P. France, xxv. ff. 7, 194, 202, 256 ; *Unton's Corresp.*, pp. 21, 22, 32–3 ; *Journal of the Siege* (Camden Soc. O. S.), pp. 13–23.

troops. He was so afflicted with sorrow that "all the buttons of his doublet brake away as though they had been cut with a knife," and, determined to see some fighting before he left, he carried his men to join Biron before Gournay, sending Robert Carey to England with his protests and those of his staff. This disobedience, and the continued lack of news of the King, were too much for the Queen's already diminished patience, and on the 24th the whole force was ordered to return. Carey, however, a few days later found her Majesty already a little ashamed of her outburst, and his coming, the steady pressure of Burghley supported by a unanimous Court and Council, and the speedy fall of Gournay, secured the countermanding of the orders of recall. A visit from Essex, and a letter from Henry on October 15 announcing his intention of beginning the siege at once now that Parma was unlikely to move, finally restored the Queen's good humour, though not sufficiently to induce her to pay her troops now that the two months had expired.[1]

Essex thereupon returned to Dieppe, where his troops, with no pay nor even lendings, were "given to all manner of evils, as blasphemy, drunkenness, spoil, burning of houses, whole villages, robbing of churches, disobedience to their officers." Having restored order thanks to the arrival of a fortnight's lendings from the King, on October 29 the earl and Biron began the siege. The English, though reduced by sickness to a bare thousand able men, bore themselves with distinction in the skirmishes, and Essex wrote home enthusiastically if incoherently that his "little broken troop made good the ground they first took, and got of the enemy, when none else got and all that were charged lost some at one time or other." On November 13 Henry and the Germans arrived and the investment was completed.[2]

[1] *Unton's Corresp.*, pp. 55–7, 59–61, 72–6, 78–81, 86–93, 110–12; S.P. France, xxv. ff. 261, 378; *Hatfield MSS.*, iv. 139–41; *Carey's Memoirs*, pp. 15–19; *Lettres Missives*, iii. 832–9.

[2] S.P. France, xxvi. ff. 27, 48, 114–17; Devereux, i. 255.

Thus the siege was at last begun, but not until the English army, which had originally been sent for two months only, had already been in France practically three. For this delay Henry's exaggerated nervousness concerning Parma must be blamed, since it not only led him to put off the beginning of the siege but also kept him far away in the interior of France where communication with him was slow and difficult and it was impossible to learn his real intentions in time or to co-ordinate an enterprise whose success depended largely upon speed and well-timed co-operation. Villars was given ample warning to gather in supplies and to make the town defensible, and the approach of winter favoured the besieged more than the besiegers.

Now that the siege had begun Elizabeth did her utmost to ensure its success. One thousand seasoned troops from the Low Country garrisons, 450 pioneers, powder, and pinnaces to blockade the Seine, were sent in answer to Henry's requests and the whole force was taken back into the Queen's pay for another two months. The only condition which she insisted upon was that Henry should promise to pay the Germans.[1]

The siege, however, made little progress. The walls of Rouen had been made comparatively defensible and behind them the besieged were fairly safe ; nor did their frequent sorties involve heavy casualties, for as Edmund Yorke remarked, the skirmishes were "like a game of base, not like a game of football where men do break their arms, and legs, and even necks." To batter down the walls was a lengthy task for the short-ranged and slow-firing cannon of the sixteenth century, whose destructive power from lack of any high-explosive was small. Nor were the gunners always skilful. One, having failed to hit the walls, sought an easier target in the town at large and the chronicler records with satisfaction not unmixed with surprise that "then we might hear such a rattling of houses and see it fly through one house and graze upon another, as, were it

[1] *Unton's Corresp.*, pp. 140–2 ; S.P. France, xxvi. f. 223.

not for charity, it were a pleasure to behold." Such opportunities were, however, but seldom vouchsafed to them, for Henry concentrated his attack upon Fort St. Catherine, instead of upon the weaker defences of the town itself, and sought to compel a capitulation thus rather than by assault. No doubt he was loth to expose so rich a prize to the spoil of an assaulting and victorious soldiery, but the real cause of his decision was probably the advice of his Catholic nobles. As they could back this advice with petitions from the clergy for his conversion, with dark plottings among the princes of the blood, and with threats of negotiations with Mayenne for the formation of "a third faction, who be neither royalists nor leaguers," he was compelled to listen to them. The Germans were sulking in their tents until their pay, now two months in arrears, was assured, and it was only by Unton's mediation that they were induced to continue their service upon the promise of one month's pay at once and two more at the end of January. Desertion and "a pestilent ague, somewhat less than a plague," had left only 380 of the original 4,000 English able to bear arms, and the reinforcements from the Low Country garrisons numbered only 735. The pioneers, too, were many of them "thinly clad, no swords, and ill chose," and among them were "sergeants of companies, and many old soldiers which will never work." Thus "the French have no courage to attempt, the Lansquenets until their pay will not, [and] the English are so few, poor, and sickly, as they cannot effect anything of themselves." [1]

At the beginning of December, when the siege was in this position and Elizabeth was again losing hope, Parma entered France and Henry at once asked for another 5,000 English footmen to meet this new danger. An assault upon the counterscarp of Fort St. Catherine by Baskerville and some of the English on Christmas Eve, in which the troops behaved badly, failed to force a decision at Rouen, and

[1] *Journal of the Siege*, pp. 40, 58; *Unton's Corresp.*, pp. 179–83; S.P. France, xxvi. ff. 227, 233, 292–6.

thereupon Henry set out with his cavalry to observe and delay Parma. At the same time du Plessis was sent to England to reiterate the appeal for assistance.[1]

Du Plessis met with an unconditional refusal. Elizabeth had from the first been prepared to spend so much, and no more, upon the siege, and this amount had been as much as Henry had considered necessary. Then when in October this had proved insufficient, chiefly owing to his delays, she had practically doubled her assistance. Elizabeth, in fact, unlike Henry, was nearly always as good as her word, and often better, as the history of her assistance to the Netherlands proves[2]; but there was a point beyond which she would not go unless there was hope of a speedy and considerable success. That point had now been reached, and there seemed no prospect of an early success either at Rouen or against Parma. Moreover, the forces which Henry had before Rouen would be adequate to prevent his being overwhelmed. In any case, it seemed impossible that Parma could undertake the march to Rouen in the dead of winter, through barren country where bad roads would make it extremely difficult to victual so large an army. On the other hand, should he do so, he would be there long before a force of 5,000 men could be levied and shipped across from England. Even a promise to proceed against Rouen by battery and assault if the Spaniards did not come, failed to move Elizabeth, who had learned to believe that their mere presence upon the frontier would end Henry's interest in the siege. She felt that the enterprise had now become "rather a jest than a victory," and Burghley, too, "knowing how much her Majesty is daily charged with these foreign wars, as the world may see it to our discredit both by selling of her own land and by borrowing of great sums of money," was inclined to adopt a more defensive strategy.[3]

[1] *Unton's Corresp.*, pp. 188–92, 241–2, 259–60.

[2] *Cf.* J. E. Neale, "Elizabeth and the Netherlands, 1586–7" (*Eng. Hist. Review*, xlv. 373).

[3] S.P. France, xxvii. ff. 7–10, 17; *Unton's Corresp.*, pp. 193–4.

The first result of this change of attitude was the recall of Essex early in January, 1592. The Queen suspected that he led the King to "believe and hope for great matters," and his advice to Henry a few weeks later, that "there is not so much to be gotten of the Queen by earnestness as by often soliciting," seems to justify this suspicion. The troops remained under the command of Sir Roger Williams and the siege continued its uneventful course. Parma prepared for his advance with the utmost care. After much haggling with Mayenne, Spanish garrisons were thrown into the League cities of La Fere, Laon, and Guise, artillery and pontoons were brought up, the Somme crossings secured, and hundreds of peasants' carts commandeered to follow the army with supplies through the desolated country and foundrous roads westward of that river. At last, on February 2, he took Neuchâtel and began to come slowly towards Rouen. For the next three weeks or more the outposts of the two armies were in continual contact, but Henry, though the Germans had agreed to serve until midsummer and the French gentry were flocking to him, was too weak in infantry to force a battle without raising his siege, and this he refused to do.[1]

His perseverance seems to have given Elizabeth new hope, and, although most of the officers who had returned to England with Essex considered that the siege was now hopeless, she again decided to increase her forces. Late in January she thought of sending over 1,000 pikemen, but Parma's advance made it look as if they would only arrive too late, and the plan was dropped. Burghley's suggestion of withdrawing another 2,000 men from the Low Countries was given up for the same reason. Then Parma's apparent inability to force a decision seemed to show that there was still time, and on February 19 a levy of 1,600 men was ordered. Every effort was made to get them across as soon as possible, yet they did not reach Henry till the beginning of April, which justifies Elizabeth's assertion, in her reply to

[1] *Unton's Corresp.*, pp. 165–7, 306–11, 316–17, etc.

du Plessis's request in December, that a considerable force could not be levied and shipped over in less than six weeks or two months.[1]

Meanwhile, a sortie by the besieged on February 16 had failed, and on the 24th 2,500 Dutch infantry, "very brave in their gold lace," reached Dieppe. A few days later Parma, his supplies exhausted and his French allies melting away, retired behind the Somme. Henry determined to take advantage of this breathing-space to press the siege with vigour, but now that a battle was unlikely the French gentry disbanded wholesale, so that before the battery could begin there were not enough men left to make the assault, even when Edmund Yorke arrived with the 1,600 Englishmen. With Yorke, Elizabeth had sent Thomas Wilkes to learn from the King himself his real position and intentions, preparatory to making a final decision as to her policy. Wilkes found the King in a harassed and depressed state of mind. He blamed the Queen and his own councillors for leading him into an enterprise which he had never liked and for failing to support him adequately in it. The Queen, he said, was able to make wars "good cheap" and he only wished that he too were able "to look out at the window as she doth now and behold the tragedies between him and his enemies now in action." Whether he battered Rouen or raised the siege must depend entirely upon what Parma did, and in any case he needed another 2,000 English footmen.[2]

Before Wilkes could make his report the siege was over. On April 10 Parma suddenly appeared within four leagues of Rouen, and the surprised besiegers were able only after "a very hot skirmish" to raise their siege and escape without disaster. Rouen was revictualled from the supplies which they had no time to destroy and before they could concentrate again, Parma took Caudebec by assault.[3] He then

[1] *Unton's Corresp.*, pp. 280–2, 318–22, 336–8.

[2] *Unton's Corresp.*, pp. 334–6, 349–50, 353–8, 360–3, 367–70, 379–83, 390–2; S.P. France, xxvii. ff. 280–3.

[3] *Unton's Corresp.*, pp. 413–16.

entrenched himself at Yvetot, but after a week's manœuvring his advanced positions were stormed by the English on April 24 and he was compelled to return hurriedly in the night to Caudebec. Hard pressed by superior numbers and with his supplies running low, he managed to get across to safety on the left bank of the Seine, and, outmarching the King, reached St. Cloud. There he crossed the river again upon a bridge of boats and succeeded by the end of May in carrying his army back to the Netherlands, intact but exhausted and barely one-third as strong as when it had crossed the frontier some five months before. The Prince himself had returned only to die, and the expedition is an admirable illustration of the negative results which were alone to be looked for from large-scale military operations under sixteenth-century conditions of warfare and of the disintegrating effect of an extended campaign upon large armies in those times. That the greatest captain of the age could achieve no more positive success is perhaps the most effective justification for the defensive strategy of Elizabeth and Burghley. On the other hand, Parma had at least made it impossible to renew the siege of Rouen. The Germans would serve no longer and a new levy could not be raised during the next two years, even had Henry been able to find the money that it would require. England, with Brittany still on her hands, clearly would not supply the troops necessary, and the French Catholics were more than ever weary of fighting for a heretic King. The League throughout the winter of 1592–3 slowly prepared to acknowledge the Infanta as Queen of France, and the restlessness of Henry's Catholic supporters offered some hope of success to such a project. A Spanish Queen was, however, nowhere desired and even the League would prefer Henry were he only a Catholic. The crisis reached its height in the summer of 1593, and thereupon the King played the winning card which he had so long held in his hand. The crown of France was still 'worth a Mass,' and in July, 1593, Henry IV was received into the fold of the Catholic Church. His conversion

was followed by the rapid return to obedience of all his rebels, and by the end of 1595 he was at last the King of a united, if an exhausted, France. With the disappearance of the League and the end of the French civil wars, the danger that Spain would gain control of the Channel coast passed away. Henceforward, although Brittany continued until 1595 to need English assistance and troops had to be sent later to save the frontiers of Picardy, Elizabeth's government was faced with problems of a different nature, which, whilst no less difficult, were nevertheless somewhat less complex, less European, and more localized.

The French wars were a heavy burden upon the nation. In less than three years over 15,000 men were sent into France. This, added to the standing army of between 6,000 and 7,000 in the Netherlands, a large force in Ireland, and many naval expeditions of all kinds and sizes, represented a serious drain upon the man-power of a state which cannot have contained much more than five million inhabitants. The expense too was great. In April, 1593, it was estimated that since Henry IV came to the throne, in July, 1589, Elizabeth had spent no less than £286,172 on his behalf.[1] As the Netherlands during these four years cost between £500,000 and £600,000, Elizabeth's total expenditure upon the continental wars from 1589 until 1592, without including naval expeditions, totalled some £800,000 at the least. This was a sum equal to almost two-thirds of the ordinary revenue during that period. Her extraordinary sources of revenue were at once limited and inelastic. Crown lands to the value of over £120,000 were sold in one year alone (1589–90), but it was obviously inexpedient to impoverish the Crown too much in this way. The Parliament of 1589 had voted more than £300,000, but some of this had been anticipated and all of it came in slowly.[2] That direct taxation pressed very lightly upon the wealth of England, may well be true, but those who escaped so easily in this

[1] S.P. France, xxx. ff. 278–9.
[2] *Cf.* Scott, *Joint Stock Companies*, iii. 503 ff.

respect were called upon to render a very heavy tax, both upon their time and their fortune, in unremunerated public services as justices of the peace, deputy-lieutenants, special commissioners, and under the statutes for the keeping of arms and armour. To have made unusual demands for large sums of money from them in addition might well have undermined the efficiency, if not the stability, of Elizabeth's government. Moreover, as that government was encumbered throughout these years with a debt of almost £200,000 (the legacy of the Armada campaign and of previous assistance given to the Netherlands and the Huguenots), its reluctance to spend large sums upon ambitious operations was clearly a most political economy. Parma's intervention, too, had shown how seldom the best laid of such schemes produced results sufficient to justify the outlay which they entailed.

Nor was the burden upon the Exchequer all. The counties and boroughs had to pay for the drilling of the trained bands and their equipment, and for watching the beacons. The soldiers they sent upon foreign service had to be clothed, and although the government allowed 5*s*. coat-money for each man, it was impossible to clothe him adequately for much less than 15*s*. Then too the arms and armour were but seldom returned and had to be replaced. For example, at Oxford the annual civic dinner was given up for two years in succession that the money might be used to replenish the city armoury.[1]

Finally, these burdens had to be borne by a nation suffering from a severe depression in its trade. The Continent, except for a precarious loophole at Emden or Stode, was practically closed to English goods, and the new markets in Russia and Turkey were distant and uncertain. Privateering, far from making good the loss, did little more than pay its way. In England corn was often scarce and prices

[1] *Cf. Musters, etc., in Northamptonshire* (Northants Record Soc.), pp. 20 ff: Salter, *Oxford Council Acts*, 1583–1626, pp. 34, 40: *Cal. of Wynn Papers*, nos. 124, 153–4, 159.

ruled high.[1] Trouble was already being experienced in getting men to serve in the unpopular French wars from which so few returned, although we do not yet hear of open mutinies against foreign service or of justices of the peace in their cups invoking Magna Carta to prove its illegality.[2] When allowance has been made for all these considerations, it becomes difficult to agree with Professor Cheyney that Elizabeth should have sent "military expeditions into France far larger, better equipped, and better supported."[3] Rather is it a matter for surprise that, "having," as she once protested, "neither the eastern nor the western Indies,"[4] she was able to resist as successfully as she did the lord of both and the master of the finest army in Christendom.

[1] *Cf.* Scott, *op. cit.*, i. 93–104: J. T. Rogers, *Agriculture and Prices*, VI, 10–4: *Economic Journal*, May, 1927, and January, 1932.

[2] *Cf.* Cheyney, *Hist. of England*, ii. 27–31: *Cal. of Wynn Papers*, nos. 181–4 (for discontent against service in Ireland). The financial straits of the English Crown at this time are emphasized in the Bridgwater MSS. (H.M.C., 11th Rep., Pt. vii), now in the Huntington Library at San Marino.

[3] *Ibid.*, i. 306.

[4] S.P. France, xxiii. f. 138.

THE TRANSFERENCE OF LANDS IN ENGLAND, 1640–1660

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Read 10 *March*, 1932

The primary object of this paper is to indicate the extent of the transference of lands in England between 1640 and 1660. A considerable part of the paper will be devoted to a provisional classification of the various purchasers of lands in order to make clear the reasons why so many men are buying, and why royalists and others are selling. An attempt, however, will also be made to account for the various rates of sale established by the several acts and ordinances of sale. And, finally, it will be indicated that there is evidence to support a belief that the events of the Commonwealth period had much more than a temporary effect upon the distribution of land in England.

I

The greater part of the delinquents' lands, sequestered in accordance with the ordinances to that effect,[1] was sold by the various bodies of trustees appointed by the Government for the purpose. There were, however, many private sales of land by delinquents and others, alarmed at the state of public affairs or having to pay heavy taxation. The manner of these sales is instructive. New and increased taxation was by no means popular even among men who sided with the new order of things. And some not only groaned under

[1] Firth and Rait, Vol. I, pp. 106, 254–6. These two great ordinances which set up the sequestration machinery are dated 27 March and 18 August, 1643: and the opinion of Parliament as to the modifications and improvements necessary is indicated in the course of subsequent legislation.

the weight of it,[1] they did everything they could to avoid it. Very quickly complaints are heard of men who " conceal parts of their estate " to avoid the Monthly Assessment. It simply meant that they refused to disclose the full extent of their estate for taxation purposes. The delinquent concealed, of course, in order to avoid the sequestrators appointed by the newly appointed local committees. For although these committees were armed with extensive powers, there were difficulties in the situation,[2] other than favouritism, not readily to be overcome ; and particularly in districts where royalist influence was strong. Moreover, when the delinquent compounded " on his own discovery," he compounded " on his own particulars " ; a fact of which he was not slow to take advantage, although the Government believed it could provide against concealments by threats and penalties and by a system of " informing." [3] The delinquent was seldom merely passive. He knew how to fend for himself. The sequestration officer might meet with a broken head,[4] or suffer other forms of violence at the hands of the delinquent.[5] But, as a rule, he resorted to the polite method either of bribing the officer to undervalue his estate,—not a difficult feat to accomplish if the officer had never received his salary [6]—or he might deliberately conceal part of his estate, and debts owing to him, in the hope that he would not be discovered : and even if he were, he might still be able to come to terms with the

[1] Dugdale, *A Short View of the Late Troubles*, p. 129.

[2] E.g., the Arundel estates were scattered over eight counties. *Sheffield Manorial Records, from the eighth year of Richard II to the Restoration* [1926], pp. xiii–xxv. (T. W. Hall.)

[3] A list of informers, drawn up from the Calendars (*C.A.M.* and *C.C.C.*), is remarkable both for the number, the position and character of the informers. Some were sheer money-grabbers : for instance, see *C.J.*, VI, pp. 334, 335 ; *S.P.D.*, 1645, pp. 442, 443. Usually, however, the informer was a State-creditor or one of the delinquent's private creditors, who informed to recoup himself for money owing to him either by the Government or by the delinquent.

[4] *C.C.C.*, 419, 1941.

[5] *Ibid.*, 196, 197, 241, 242, 245, 261, 306, 578.

[6] *C.C.C.* and *C.A.M.*, *passim.*

informer.[1] Often the delinquent made away with portions of his estate, as a temporary measure, to his friends.[2] That is, he might conceal portions in "some-one else's name," —a fairly common practice: or he might sell privately to his creditors, and so clear off his debts at the expense of the Government.

The number of these private sales was considerable. And, fortunately, the *Calendar of the Committee for Compounding* gives ample information on this point. But there are many hints elsewhere to the effect that private sales were made about which the Government committees knew nothing. During the Protectorate the Major-Generals reported that, in county Durham, the estates of delinquents had been "purchased by several persons in trust for the delinquents," with the result that while the delinquents were actually in possession, they claimed exemption from the decimation tax on the ground that the land belonged to others.[3] Many delinquents, moreover, certainly sold some part of their estates in order to compound, long before the ordinance of January, 1649/50, expressly permitting them to do so. Ordinances and acts usually confirm rather than anticipate a practice.

Private sales have a three-fold significance. They supply information about the financial position of many delinquents before and after sequestration. They enable us to place in various categories[4] the names of many of the purchasers and throw light on the reasons for purchasing. They also afford some idea of the extent and permanence of the transference of land in this period, since the land settlement at the Restoration did not interfere with private sales made in the Commonwealth period—a fact to which reference will be made in the last section of this paper.

[1] *C.J.*, VI, p. 103; *C.A.M.*, 8 August, 1650. [2] *C.C.C.*, 61, 351.

[3] *Thurloe Papers*, Vol. IV, Letter of Durham Commissioners to the Protector, 16 February, 1655/6.

[4] The categories overlap, since some men are not only army officers; they are also, at the same time, members of Parliament, commissioners for compounding, members of local sequestration committees, and so on.

The first category of private purchasers is that of military officers. It includes a considerable number of names, such as Colonel Purefoy, Lieut.-Colonel Thomson, Colonel Fenwick, Colonel Gorges, and Major John Wildman. But compared with the other categories it is rather small, and for the following reasons. Many officers to whom the Government owed considerable arrears of pay, or who had financed their troops out of their own pockets, could hardly be in a position to make private purchases of land. A considerable number of army officers were ardently engaged in the informing business from an early date. One instance must suffice. Captain Matthew Alured's arrears of pay were estimated at £2,000 on 22 May, 1646; and he was promised half his arrears out of such delinquents' estates as he should discover.[1] So he informed against William Grimston, of Grimston, Yorkshire, and against William Wright, also of Grimston.[2] And, later, he purchased certain of the Bishops' lands. Some officers were so reduced that they seized upon sequestered estates and farmed them for a living.[3] Moreover, officers who were in a financial position to make private purchases of land preferred to buy up the arrears of troops [4] in order to buy lands sold publicly, by way of doubling. Again, one instance must suffice. Captain Edmund Chillenden wrote the following to William Clarke, 5 June, 1652:

"I will as speedily as may be pay the money due to you and also my share for housekeeping; but I am put to great straits because of buying my troops arrears and a fourth part of the Colonel's troops, which will come to at least £3,500, and shall need to mortgage what cost me £900 for £500. It is as

[1] *C.A.M.*, I, 55.

[2] *Ibid.*, II, 702. Although it was "deemed invalid" for Alured to hold a sequestered estate, since he was a member of the York sequestration committee.

[3] *C.C.C.*, 174, report of Commissioners for Lancashire.

[4] For an explanation of "debenture," see Rushworth, *Hist. Collections*, Vol. VI, Pt. IV, pp. 12, 17.

good security as in England, and I could have £1,200 for it, but am loath to sell it." [1]

The second category consists of lawyers. It is probable that in many instances lawyers were acting as agents for others: but it is difficult to say with certainty how often they were acting for others or were buying land on their own account either to hold or to sell again as a speculation. Among them are many who purchased on a grand scale, not only privately from delinquents but also publicly from the Treason Trustees, both for themselves and as agents for others. But in the majority of instances where lawyers make private purchases the delinquent had either been in debt to them before sequestration or had borrowed from them in order to compound or for domestic reasons. In a number of instances the delinquent had done both. Here are a few out of the many. Some of the details are instructive:

Walter Walker, lawyer, together with Gabriel Beck, purchased part of the estate of Sir Henry Poole, of Sapperton, co. Gloucester, and also lent Poole £4,335 in order to pay his composition fine, "to clear which," it is significantly added, "his other lands are likely to be sold by him" (*C.C.C.*, 1050). Thos. Bayles, of the Middle Temple, London, privately purchased from Wm. Fromonds, of Cheam, Surrey, an estate consisting of farms in Hadlow, East Peckham, etc., Kent (*C.C.C.*, 1680). Bayles also privately purchased the estate of George Metham, of Metham, co. York. In order to pay his composition fine of £1,300, and other debts, Metham borrowed £2,000 of Bayles, and also mortgaged his estate (*C.C.C.*, 2040). Stephen Boreham, of Westminster, privately purchased the estate of John Banks, of Settrington, co. York, in lieu of money borrowed of him by Banks (*C.C.C.*, 1763). Rob. Yallop, of Staple Inn, London, privately purchased the

[1] *Hist. MSS. Comm. Report*, Leyborne-Popham MSS., p. 102. The mortgage he proposes to raise is probably on other debentures he has already bought up.

estate of Chas. Yaxley, of Bowthorpe, Norfolk. Yaxley was in debt to the tune of £5,000, and was compelled to sell in order to help pay the debt (*C.C.C.*, 2730). Samuel Trotman, of the Temple, London, privately purchased the estate of Rich. Holland, of Sutton, co. Lancashire, in lieu of Holland's debt to him (*C.C.C.*, 2842).[1]

A third category consists of merchants. In a list, by no means exhaustive, of some hundred and forty private purchasers chosen almost at random from the *Calendar of the Committee for Compounding with Delinquents*, eighty-four were merchants, four at least were goldsmiths, and there were three scriveners. Now a capitalist might have two main motives for buying land. He might acquire landed property for the sake of the respectability that went with it, or he might buy as a speculation. London capitalists had been actuated by both these motives since the Middle Ages. In our period, however, many merchants acquired land as the only method of recouping themselves for money lent to royalists or for debts incurred in other ways by royalists who became financially embarrassed before or during the Civil War.

The following merchants purchased land privately in lieu of debts owing to them by delinquents. It is a very instructive list, if only on account of certain names which were prominent in Commonwealth finance :

Nathan Wright, skinner, of London,[2] together with Alderman Thos. Vyner, privately purchased in lieu of debt, Granham Manor, Essex, and divers lands and woods from Francis, Lord Petre, of Shenfield and Hutton, Essex ; and

[1] Other lawyers who made private purchases were Fras. Theobald, Wm. Morgan, Thos. Bedingfield, of Gray's Inn ; Philip Packer, Wm. Hussey, of Middle Temple ; Clement Palgrave, of Inner Temple ; Richard Adams and Benj. Harrington, of Lincoln's Inn. And others, who are prominent as private purchasers and public purchasers on a large scale, are : John Keble, of Gray's Inn ; Gilbert Crouch, of Staple Inn ; and John Blount and Francis Gregg, both of Clement's Inn.

[2] Wright was an Alderman of London, 1649. Beavan, *Aldermen of London*. He was also a wealthy merchant. See *C.A.M.*, I, 343, for his loans to Parliament.

also the manors of Tintinhull and Charlton, co. Somerset (*C.C.C.*, 1667). Petre was in debt to Wright and Vyner to the tune of £6,000 (*C.C.C.*, 1782). Wright also purchased Thorpe Manor, and other lands near Norwich, from Clement Paston (*C.C.C.*, 1830). Rob. Austen, merchant, privately purchased Barlaston Manor, mortgaged to him for £3,000 by Sir Chas. Cavendish (*C.C.C.*, 2022). Sir Thos. Allen, grocer, of London, was in receipt of rents from the estate of Fitzwilliam Coningsby in lieu of £5,000 owing to him by Coningsby (*C.C.C.*, 2066). Sir Gervaise Elwes, merchant taylor, and Jeremy Elwes, mercer, compounded for the manors of Eston and Skelton, and the alum mines in Skelton —sequestered for the delinquency of Sir Wm. Pennyman, Bart., of Marsh, York—being allowed an abatement of their rent for such debts as Pennyman owed them. They were to enjoy their bargain till their debts were satisfied, the time expiring at Christmas, 1650. But in February, 1652, they were still enjoying the estate " on unlawful demands of interest " (*C.C.C.*, 2529–30). Sir Thos. Liddell, a former Alderman of Newcastle, had borrowed £600 before the outbreak of the Civil War from Dan Hudson, merchant. The principal remained unpaid, and the interest had so accumulated that Hudson laid claim to Farnacres Farm, co. Durham, being the property of Liddell (*C.C.C.*, 892).[1]

While there is considerable difficulty in discovering to which of the merchant companies all these private purchasers of delinquents' estates belonged, it is nevertheless remarkable how many a close search of the various Calendars would enable us to trace. In the list which we have drawn up are the names of members of most of the companies. To name

[1] Instances are readily multiplied, e.g. Thos. Noel, goldsmith, of London, was commissioned, 18 November, 1644, to melt down the plate in the Tower belonging to the King (*C.C.C.*, 13, 15). He purchased privately an estate in Saffron Walden (*C.C.C.*, 1783). John Barker, son-in-law of Ald. Thos. Westrow, grocer of London, privately purchased an estate in Suffolk. Humphrey Shallcrosse, scrivener, of London, claimed Alnwick Abbey, Northumberland, in lieu of a debt of £2,000 (*C.C.C.*, 2046), and so on.

only a few, and without giving detailed references we find: Edmund Smith, a sadler, Thos. Greene, a gunmaker, Ralph Bressy, a grocer, Richard Benson, an upholsterer, Richard Bellchamber, a vintner, Mat. Bateson, a skinner, Ant. Webb, a silkman, John Stint, a merchant taylor, Amund Bedford, a leather-seller, Robert Abdy, a scrivener, and so on.

In this list of London merchants, two prominent public men may be specially named: Sir Thos. Allen, grocer, and alderman Chris. Packe, draper. We shall have reason to return to them later.

Among the London capitalists who are known to have made private purchases of delinquents' estates, the goldsmiths and scriveners are only a few in number. The significance of their activities will be indicated later when they appear as purchasers of lands sold publicly by the various bodies of trustees.[1] But, again, two names must be noted in passing, namely, Ald. Thos. Vyner, goldsmith, and Hugh Audley, the notorious moneylender.

Financial considerations, therefore, induced many delinquents to sell privately parts of their estates. Several facts are evident. (*a*) The estates of many delinquents, particularly of the big landowners, were heavily mortgaged to goldsmiths, scriveners, and other capitalists of the merchant classes before the actual outbreak of the Civil War: and in the cases brought before the Committee for Compounding with Delinquents there are numerous references to private sales of portions of their estates made by large landowners prior to the Civil War. (*b*) The actual sequestration of their estates caused many delinquents and recusants to mortgage even their allowance, whether of a fifth or third, as the case might be,[2] and in other ways to place themselves and their estates in the hands of creditors in order to make provision for themselves and their families. (*c*) When the opportunity

[1] Other names may be added: Chris. Pitfield (*C.C.C.*, 1822); Walter Menall (*C.C.C.*, 2115); Chris. Maynard, of Totnes (*C.C.C.*, 2987).

[2] Delinquents were allowed a fifth, and recusants a third of the value of their estates, by the Sequestration Ordinances.

was given for delinquents to compound for their estates, many were unable to pay their composition fines unless they resorted to borrowing or sold part of their estates. If they sold part of their estate, in order to compound, they sold at a " cheap penny-worth " : if they resorted to borrowing, they borrowed at a high rate of interest unless their friends came to their aid. The creditor, of course, held the whip-hand whenever an estate was sequestered, since the creditor was the most likely person to know the extent of the delinquent's estate : and, unless the delinquent came to terms with his creditor, his concealments were bound to be discovered. Hence the number of creditors engaged in the business of informing. It is only occasionally that we learn of a delinquent that he has no creditors to betray his concealments : though it is said of Christopher Byerley, " He was a great money man, and transacted his business without broker or scrivener, so that his bonds and rent charges are concealed." [1]

Any immediate attempt at a classification of the purchasers of lands sold publicly by the various bodies of trustees [2] must be provisional. Moreover, space will only admit of detailed treatment of some of the many purchasers whose names are mentioned in the *Calendar of the Committee for Compounding*. Fortunately, however, enough information is given in this *Calendar* to show how extensive was traffic in delinquents' estates, and the reasons why some men were engaged in buying lands.

The situation may be put briefly by saying that the same categories of purchasers are active in public as in private sales. Lawyers and London capitalists are busy, and army officers are very prominent. Quite a number of " tenants

[1] *C.C.C.*, 875.

[2] The main Acts for the Sale of delinquents' lands vested the Bishops' Lands, 9 Oct., 1646, in 24 trustees ; the Dean and Chapter Lands, 30 April, 1649, in 15 trustees ; the Royal Estates, 16 July, 1649, in 13 trustees ; and the estates of other delinquents, 16 July, 1651, 4 August, 1652, and 18 November, 1652, were all vested in 7 trustees, known as the Drury House or Treason Trustees.

on sequestrated estates " make purchases, since, in the three Acts of Sale (1651, 1652), tenants were granted the right of pre-emption. There is, also, a very important and, perhaps, supicious category to be added, namely, the Commissioners for Compounding. And, further, there is a miscellaneous crowd of purchasers, which, for one reason or another, it is difficult to fit into any of the foregoing categories.

Included in this miscellaneous category was a Court group, some of whom receive confiscated lands by way of grant—such are Oliver Cromwell, and Lady Bridget Ireton, who, by the way, seems to have been as eager to receive lands as her husband had been to refuse them ; while others, in addition to grants of land made to them by the Government, make considerable purchases,—such are President Bradshaw [1] and John Rushworth.[2] This category also includes a Parliamentary group which figures as purchasers usually by way of compensation for losses, for damage done to their property by the King's troops, or in lieu of military pay. A great amount of suspicion has attached itself to this Parliamentary group. Indeed, the official positions which some of these men held could hardly fail to lend suspicion to any purchases of delinquents' lands they might make. When we learn that Gilbert Millington, who served for some time as Clerk to the Committee for Plundered Ministers, purchased land by way of compensation for the burning of his house by the King's troops,[3] there does seem a satisfactory reason for his purchase. But when Walter Strickland and Colonel Philip Jones, two of the men to whom delinquents' petitions were referred, purchase on a grand scale, suspicion is aroused. Walter Strickland purchased for himself, for others and along with others, and got others to purchase for him.[4] Colonel Philip Jones certainly amassed a considerable fortune in land, and managed to retain it at the Restoration.[5]

[1] *C.C.C.*, 326, 2428. [2] *Ibid.*, 1648, 2230, 2359, 2600, etc. [3] *Ibid.*, 1735.
[4] *Ibid.*, 2533, 2534, 1337, 2373, 2570, 2890. [5] *D.N.B.*, XXX, 151–2.

But here it is easier to suspect than to prove. The most promising evidence is full of pitfalls for the unwary. Due consideration needs to be given to the fact that grants made by Parliament were of two kinds, conditional and unconditional: and also to the whole question of "informing" and "discovering," and the expense involved in "discovering." A conditional grant of land usually meant that the land needed to be discovered.

Of course, Thurloe claimed that his "black book" would hang half the men who called themselves cavaliers. There were men who, like Francis Cobb, "one of the squires of his majesty,"[1] compounded for their own estates, purchased others, and then at the Restoration came forward to plead their unswerving loyalty to the King and beg compensation for their losses. And there is evidence that royalists were in the habit of buying in confiscated lands not for their delinquent friends but for themselves; and not in their own name, but in the name of someone else.[2] But there are many instances, too, of men friendly to the Commonwealth who buy in the lands of delinquents for the delinquents,[3] as there are royalists who buy in to assist their royalist friends.[4]

The second category of public purchasers consists of Commissioners for Compounding with Delinquents. Investigation of the probity of these officials is attended with great difficulties and no generalization is here attempted. The conduct of some of them, as purchasers, is not above suspicion. The Commissioners were directly appointed, it should be noted, by the newly reconstructed Committee for Compounding (January, 1649/50), which was invested with sole authority for dealing with delinquents and the "better management of their estates." The appointment of this new Committee for Compounding took local sequestrations out of

[1] *S.P.D.*, 1660/61, 290.
[2] *Hist. MSS. Commission Report*, Le Fleming MSS., p. 20 (212).
[3] *D.N.B.*, IV, 425, 426; *C.C.C.*, 1387, 2191, etc.
[4] Thurloe, IV, 238–9, writing of the Marquis of Winchester's estate.

the hands of local sequestration committees, and endeavoured to divert local sequestration monies directly to the new Committee for Compounding in order to hasten the bringing in of monies and to avoid a suspected leakage. But such a process of centralization could hardly fail to create local opposition, since local sequestrations and local compositions had often been used for local purposes and for the payment of local troops. Indeed, this process of centralization did in fact create discontent among the soldiers, many of whom, as a result, were "apt to turn leveller." [1] Still, it would be untrue to say that these commissioners were entirely forbidden to purchase delinquents' estates. A close examination of the Acts and Ordinances shows that from the beginning all officials, whether contractors to the Government, sequestration or compounding officials, surveyors, etc., might purchase lands "in excess of salary," and later were allowed to purchase lands in lieu of salary,[2] or of any other monies owing to them by the Government. Nevertheless, there is something unsatisfactory about these commissioners for compounding becoming purchasers of delinquents' estates. Yet every commissioner without exception purchased some land for himself: many purchased on an extensive scale: and some imparted knowledge officially gained to merchants and speculators in search of bargains. Moreover, some of these commissioners, before being appointed commissioners, had actually been found guilty of corrupt practices.[3] An inquirer who takes the trouble to trace the conduct of John Woodman, the Hants Commissioner, or of Colonel John Gorges, Commissioner for Somerset, beginning with the many references in the *Calendar of the Committee for Compounding*, will be amazed at their further appointment to

[1] *Hist. MSS. Comm. Report*, Leyborne-Popham MSS., p. 51.

[2] The following references will repay consideration:
Firth and Rait, Vol. I, 890, 902; Vol. II, 172. *C.J.*, VI, 23. *C.J.*, VI, 26, 27. Firth and Rait, Vol. I, 1121–3. *Ibid.*, 432, 433. *Ibid.*, Vol. II, 997 . . . "to any person whatsoever."

[3] Such a charge requires proof up to the hilt. But the proof is ample, and certainly too lengthy to be stated in a footnote.

any office that involved the handling of delinquents' estates or of sequestration monies.[1]

The third category consists of Army Officers, who came in as purchasers at public sales in great numbers. No less than one hundred made purchases of land from the Treason Trustees alone. Usually army officers are found purchasing lands "by transference of debt." That is, they purchase land on their "own debentures," or they purchase on debentures bought up at low rates from the troops. In the great debenture traffic from 1649–54 even the highest officers took part,[2] for debentures were sometimes to be bought at as low a figure as one shilling and sixpence in the pound.[3] It is true that in October, 1649, as Sir Chas. Firth has pointed out, an Order was issued from the Council of Officers prohibiting the sale or purchase of debentures. But there is good reason for thinking that the Order proved a dead letter. There were too many officers engaged in the traffic. Bargains were such that some army officers were prepared to mortgage their own estates in order to buy up debentures to be satisfied on Crown Lands.[4] Moreover, officers were themselves often prepared to sell their debentures.[5] And, even when lands were actually granted to troops, the easiest way of partition was to sell the land to get ready money. That is why we find Colonel Philip Jones purchasing Wrinston with three adjoining manors from Colonel Horton's Brigade, to whom they had been granted after the battle of St. Fagan's out of the forfeited estates of the Marquis of Worcester.[6] Some of the wealthier officers who had lent money to the Government also purchased lands by way of "doubling" on their "public faith bills"[7] or

[1] Cf. also *Thurloe Papers*, IV, 509, for commissioners in Ireland: and *Cal. Wynn Papers*, No. 2020, for commissioners in North Wales.

[2] C. H. Firth, *Cromwell's Army*, 202–8.

[3] L. H. Berens, *The Digger Movement*, 136.

[4] *Hist. MSS. Comm. Report*, Leybourne-Popham MSS., 102.

[5] *C.A.M.*, 845.

[6] *D.N.B.*, XXX, 151, 152.

[7] E.g. Major Lewis Audley was a member of the Intelligence Staff. He subscribed to a Government loan. And he was compelled to finance his own troop. *S.P.D.*, 1648/49, 1651/52.

on public faith bills which, like debentures, had been bought up at low rates. For " doubling on public faith bills " was greatly encouraged by the Government, as being an easy means of paying off old debts and bringing in new revenue. And, undoubtedly, officers doubled on debentures as well as on public faith bills.[1] Hence some officers purchased delinquents' lands on a heavy scale, and when allowance has been made for heavy arrears of pay there remain grounds for the suspicion that not only Haslerig, but many others " felt an earthworm in the breast " the moment they saw an opportunity of acquiring the lands of delinquents.[2] Some purchased Bishops' lands,[3] Dean and Chapter lands,[4] many purchased Royal lands, and some made private purchases as well. Moreover, it is significant that many officers, having purchased lands, were very hard on their tenants.[5]

The fourth category consists of lawyers. The purchases made by some of these lawyers are so numerous and the estates they bought were of such considerable extent and value, that they can hardly have financed the purchases themselves. Often they are found purchasing for others or along with others. In some instances they are probably acting for syndicates, and for this reason they will come up for consideration under the category of speculators.[6]

The fifth category consists chiefly of London capitalists. Again, this is an interesting category and merits detailed consideration. It is a category remarkable alike for the number of names it includes, for the number, extent, and

[1] Whitelocke, *Memorials* [1682], 395, 398, *re* " doubling arrears of pay " in D. and C. lands.; *C.J.*, VI, 236, 272–3, etc.

[2] Bissett, *Commonwealth of Eng.*, Vol. II, 423–5.

[3] Haslerig is a case in point, Art., *D.N.B.*

[4] *C.C.C.*, 3078.

[5] *Ibid.*, under Major Lewis Audley and Rob. Fenwick.

[6] Space is too short to allow of even a brief list of lawyers' purchases. The following are some of the lawyers whose names occur in the *Calendar*: John Withers and John Blount of Clement's Inn; Sam Baldwin and Thos. Adams of Inner Temple; Fras. Bradshaw and Capt. Thos. Smith of Middle Temple; Thos. Gookin and Thos. Gregg of Lincoln's Inn; Nich. Harding, Rob. Mackworth, John Nelthorpe, Rob. Stoughton, John Keble and Wm. Lehunt of Gray's Inn.

value of the estates purchased by some men, for the variety of purchasers, representative of all the great Companies without exception, and for the names of men who figure prominently on the various Parliamentary Committees. Some are goldsmiths, like Alex. Holt ; or scriveners, like Martin Noel. Moneylenders of every type are busy. There are men like William Clayton, Thos. Harper of Fetter Lane, and Edward Noel. There are prominent merchants like Augustus Skinner, ironmonger, Ald. Thos. Andrews, and Benjamin and Nathaniel Andrews, merchants of London, Ald. Thos. Foote, grocer of London, John Crisp and Sir Nich. Crisp, of London ; and, to name only one other, there is Gregory Clement, merchant in the Spanish trade, a great purchaser of Bishops' and other lands, and prepared to borrow money in order to purchase them.

It is evident [1] that many of these merchants purchased delinquents' lands because they had directly or indirectly helped to finance the Government. Either they had subscribed to Government loans, or contracted for the various services, or they had rendered service. The only way they could get their money was by coming in as purchasers of delinquents' lands, usually by way of " doubling," occasionally by " transference of debt."

A few instances will make clear the kind of thing that happened. Alex. Holt, goldsmith, subscribed to a Government loan, and supplied stores for the army. He purchased Burscough manor, Lancashire, by way of doubling the amounts, or part of them, owing to him by the Government.[2] Wm. Hawkins, merchant of Westminster, was one of the Trustees for raising £50,000 for Ireland. He also supplied oars for shallops at Newcastle. It is in lieu of salary and of money owing to him in other ways by the Government that he makes purchases of land.[3] Phil. Starkey is described as a " cook." We find him in account with the High Court

[1] *C.C.C., C.A.M., S.P.D., passim.*
[2] *C.C.C.*, 145 ; *S.P.D.*, 1651, pp. 544–52–56 ; *C.C.C.*, 1118.
[3] *C.C.C.*, 362 ; *S.P.D.*, 1651, p. 435 ; *C.C.C.*, 2635 ; *S.P.D.*, 1651, p. 560.

of Justice for catering and attending the English Commission in Scotland, May, 1644. Later, as seems quite reasonable, he buys the " salt waleinge " in Northwich, and " The Sun " in Watling Street.[1] Nathan Wright, skinner of Mark Lane, lent £5,000 for the defence of Plymouth, £1,000 for the relief of the Northern parts. £2,350 was owing to him for his share in the ship *Cæsar*, and he had also lent £2,730 on the public faith.[2] It is this kind of transaction that accounts for many of the land purchases made by men like Ald. Thos. Foote, Ald. Thos. Andrews, Benjamin Andrews, and Nathaniel Andrews (" Nath. Andrews & Co.").

There are merchants and lawyers who bought lands at every turn—Episcopal lands, Capitular lands, Royal lands, and lands from the Treason Trustees, in addition to private purchases from delinquents. And the question arises as to what they did with all the land they bought. Obviously some purchased land to sell again. John Wildman did so. He purchased fifty-three estates in his own name,[3] and several along with other men,[4] and several for others.[5] His purchases were spread over twenty counties. And as late as 1665 he privately purchased the Manor of Becket, near Shrivenham in Berkshire, and other lands adjoining from his friend Harry Marten.[6] Sam Foxley, of Westminster, made some twenty purchases in his own name,[7] and several purchases in partnership with men like Wm. Cox, merchant of London, Gilbert Crouch, Benjamin Andrews and John Wildman. Gilbert Crouch, of Staples Inn, made twenty-four purchases in his own name, and many in conjunction with other men. Even John Rushworth made fourteen purchases in his own name and many along with other men. Rob. Colby, of London, George Hurd, of

[1] *S.P.D.*, 1651, pp. 536, 538; *C.C.C.*, 780, 463, 571, 1625, 2199, 780.
[2] *C.A.M.*, 343; *C.C.C.*, 787, 1780, 1830, 1667.
[3] *C.C.C.*, 1653, 1769, 2201, 3100; *D.N.B.*, art. C. H. Firth.
[4] *C.C.C.*, 1769. [5] *Ibid.*, 1430, 1835, 3100.
[6] Lysons, *Berkshire*, 366.
[7] *C.C.C.*, 1117, 1624, 1626, 2131, 2132, 2192, 2205, 2206, 2428, 2595, 2637, 2660, 2826, 3098, 3146, etc.

London, John Fullerton, John Blount, and Walter Strickland were all speculators in land.

Of all the various categories of purchasers special interest attaches to the goldsmiths and scriveners owing to their importance in English financial history. Mr. Tawney has shown the importance of the scriveners as manipulators of credit in the pre-Civil War days,[1] and the place of the goldsmiths in the history of English banking is well known. In a passage that has become familiar Clarendon clearly indicated the position in the days of Charles II:

> "The bankers did not consist of above five or six men, some whereof were aldermen, and had been Lord Mayors of London, and all the rest were aldermen. . . . They were a tribe that had risen and grown up in Cromwell's time, and never were heard of before the late troubles, till when the whole trade of money had passed through the hands of the scriveners: they were for the most part goldsmiths, men known to be so rich, and of so good reputation, that all the money of the kingdom would be deposited in their hands."[2]

This would clearly date the rise of the goldsmiths as moneylenders to the Government in the Cromwellian period, probably in 1654/5,[3] when the revenue from the sale of delinquents' lands became a fast-diminishing quantity. The scriveners, however, would naturally continue to deal in credit, and it is probable that they would in that way become concerned with delinquents' lands, either as having lent money to delinquents before or after sequestration, or as having lent money to the Government.

Prominent among those who financed Cromwell's Government were some of the members of a small group of financiers who later lent money to the Government of Charles II. But our immediate interest is only with those

[1] *A Discourse upon Usury*, by Thomas Wilson. Ed. R. H. Tawney, p. 36 and *passim*.

[2] W. A. Shaw, *Beginnings of the National Debt*, Owens College Essays, p. 417.

[3] Thurloe, VII, 4, 99, 295. Where the administration is definitely dependent on a small group of financiers in 1657.

who are found active as purchasers of delinquents' lands. Sir Thomas Vyner made a private purchase from Francis, Lord Petre in lieu of debt,[1] and, in *The Mystery of the Good Old Cause,*[2] is strongly abused for his gains during the Commonwealth. Edward Backwell purchased Old Bushy Park, and other grounds connected with Hampton Court Palace, which, in 1654, were bought from him by the Commons for £6,202.[3] Sir John Cutler was joint-purchaser with Sir John Lewys of Harewood and Cawthorpe in Yorkshire, and soon became sole owner of the same.[4] Sir Christopher Packe had purchased in January, 1648/49, the manor of the Bishop of Lincoln at Buckden in Huntingdonshire ; and on 2 March, 1649/50, the lease of the manor of Prestwold in Leicestershire was assigned to him by the corporation. A little later he purchased Prestwold and the manor of Cotes, and, after his retirement from public office, spent the remainder of his life at the mansion of Cotes.[5] Francis Meynell made a purchase from the Gurney House Trustees of Dean and Chapter lands.[6] Sir Thomas Foote is found purchasing from the Treason Trustees.[7] Sir Thomas Allen purchased lands in Hereford in lieu of £5,000 owing to him by Fitzwilliam Coningsby [8] : and, along with five others, Allen became purchaser of the estate of Sir R. Lee, in lieu of debt, especially " the money borrowed by Lee to pay his fine, and for raising portions for his children." [9] Vyner, Backwell, Meynell, were members of the Goldsmiths Company. Cutler, Allen, and Foote were grocers. Packe was a draper.

II

The Government policy of public sale was first outlined in July, 1644, when the suggested minimum price for forfeited estates was at eight years' purchase for lands and six years'

[1] *C.C.C.*, 1667, 1782.
[2] Appended to *Parliamentary History*, Vol. 3.
[3] *D.N.B.*, II, 321, 322. Also, R. D. Richards, " A Pre-Bank of England Banker," Edward Backwell (*Econ. Journal*, Jan., 1928).
[4] *D.N.B.*, XIII, 364. [5] *Ibid.*, XLIII, 30. Also *C.C.C.*, 2016.
[6] *C.C.C.*, 2405. [7] *Ibid.*, 2140. [8] *Ibid.*, 2064–67. [9] *Ibid.*, 1007.

for houses, "of the value before the present troubles." [1] It was this policy which, with certain enlargements and modifications, was put into operation by the main Parliamentary Acts: for the sale of Bishops' lands, 9 October, 1646 [2]; for Capitular lands, 30 April, 1649 [3]; for Royal estates, 16 July, 1649 [4]; and for the sale of the estates of other delinquents, 16 July, 1651, which included the names of 73 delinquents [5]; 4 August, 1652, which included the estates of 29 delinquents [6]; and by an Act of 18 November, 1652, which included no less than 678 delinquents.[7]

An inquiry into the rates at which forfeited estates were sold is attended with great difficulties: as has been pointed out by Mr. Reginald Lennard, "changes in the minimum prices fixed for the sale of land are many and hard to account for." [8] It is, however, fairly clear that the rates reflect, though how closely cannot be exactly determined, the difficulty of the Government in a period of financial disturbance and stringency.

The change from the suggested eight years' minimum for lands in July, 1644,[9] to ten years' minimum for Bishops' lands in 1646 [10] seems to have been due, in large measure, to the general increase in the value of lands after 1644–45. The outbreak of the Civil War had been immediately fol-

[1] *C.C.C.*, 6.

[2] Firth and Rait, Vol. I, pp. 879–83. Cf. Gardiner, *C.W.*, Vol. III, p. 145. Gardiner points out that the immediate object of the sale was to provide some security for the pay of the Scots army. . . . For a list of later Ordinances relating to Episcopal estates, see Dr. W. A. Shaw, *Hist. of the English Church*, Vol. II, pp. 211–12, footnote.

[3] *Ibid.*, Vol. II, pp. 81–104. Also Dr. W. A. Shaw, Vol. II, p. 213—and also for further Ordinances concerning the sale of Capitular lands.

[4] *Ibid.*, Vol. II, pp. 160–8, for "Personal estate"; pp. 168–91 for "lands of late King, Queen, and Prince"; pp. 188–91 for "certain castles, palaces and manors, fee-farm and other rents excepted from sale." These exceptions, however, were not long maintained.

[5] *Ibid.*, Vol. II, pp. 520–45.

[6] *Ibid.*, Vol. II, pp. 591–8.

[7] *Ibid.*, Vol. II, pp. 623–52.

[8] R. Lennard, *Rural Northamptonshire*, p. 19 n. (Oxford Studies in Social and Legal History, Vinegradoff, Vol. V), 1916—where Mr. Lennard also gives an admirable summary of the various minimum rates of sale.

[9] *C.C.C.*, 6.

[10] Firth and Rait, Vol. I, p. 902.

lowed by a general decrease in land values throughout the country, and not merely in counties ravaged by war.[1] There was a prevailing sense of insecurity.[2] "Men dare not venture upon stock, besides the easy rates of Delinquents' lands."[3] But reviewing the situation as a whole, it may be fairly stated that, provided the reports of the County Committees are to be trusted, the rents even of delinquents' estates, almost in every county, had risen considerably by 1646.[4]

The change from the ten years' minimum for Bishops' lands to twelve years' for Capitular lands (30 April, 1649), and the further, and very abrupt, change from twelve to ten years' for Capitular lands (June, 1649), call for close examination. Adequate explanation of the changes seems impossible. But several points may be named briefly. First: the actual rentals of sequestered estates continued on the increase from 1646 to 1649, and right on to 1652, despite the numerous complaints about "under-letting and under-valuing."[5] By the end of 1647 the reports of the County Committees are largely to the effect that the rents of sequestered estates have improved considerably. "We improved the rents in our first letting, and in our last we raised them from £1,000 to £1,500," and this on annual leases. The date of this report is 3 January, 1647/8.[6] Other reports are to the same effect.[7] Second: prices for corn soared as a result of a series of bad harvests from 1646 to 1651[8]; and high prices for wheat did two things—

[1] Gardiner, *C.W.*, Vol. III, p. 196.

[2] T. T. Wildridge, *Hull Letters*, p. 193, being the case of Sir Michael Wharton, of Beverley, Yorks. Also, *C.C.C.*, p. 99, being the Report of the Durham County Committee. Cf. Oxon Report, *ibid.*, 152.

[3] *Hist. MSS. Comm. Report*, Portland MSS., 1, pp. 344, 345 (25 Jan., 1645/6).

[4] *C.C.C.*, 60–1, 85–8. Cf. lettings for Wilts, *ibid.*, pp. 76–8 (Jan., 1647/8).

[5] *Ibid.*, 76, being the Cumberland Report. [6] *Ibid.*, 76.

[7] *Ibid.*, 387, being Cornwall Report. Cf. Oxon Report, *ibid.*, 705; London Report, *ibid.*, 465; Salop Report, *ibid.*, 424.

[8] Thorold Rogers, *History of Agriculture and Prices*, Vol. V, pp. 203–9, 276 (1887); Gardiner, *C.W.*, Vol. III, p. 195.

it reduced the price of cattle,[1] and increased the rents of estates. "Corn being dear, Land is dear, so that the farmer must give a great rent for his farm, and is constrained to hire more acres." [2] Third: certain provisions in the Ordinances of sale tend to elucidate the minimum changes. (*a*) Capitular lands were sold to "satisfy holders of public faith bills, because other securities are not satisfactory to Lenders." [3] And, according to the Act of 1646 for the sale of Bishops' lands, public faith bills were transferable. They could be bought and sold: and often at very low rates.[4] (*b*) Public faith bills could be "doubled" on Capitular lands. "Doubling" was carefully defined. "If there be owing to any person or persons, body politique or corporate, One hundred pounds principal, which together with interest due thereupon for three years, will make £124: he or they advancing £124, may and shall be secured £248." [5] Moreover, unless State creditors, holding public faith bills, came in as purchasers of delinquents' lands by way of "doubling," they were allowed to purchase only at fifteen years' purchase.[6] "Doubling," therefore, was encouraged by the Government in order to pay off old debts and, at the same time, bring in new money.[7] Fourth: many holders of public faith bills had purchased Bishops' lands, as being the only way of recouping themselves. Others had trafficked in public faith bills in order to speculate in Bishops' lands. There are satisfactory reasons for concluding that a large part of these lands were purchased by holders of public faith bills: and, in June, 1649, the Government evidently believed that "doubling" was sufficiently popular to provide a good market for Capitular lands at twelve years' purchase.

The abrupt change from twelve years' minimum to ten for Capitular lands was due to the very uneasy political and financial situation in 1649, particularly from May to Novem-

[1] *C.C.C.*, 550. [2] Crabb, of Uxbridge, *Harl. Misc.*, Vol. IV, p. 460.
[3] Firth and Rait, II, 81.
[4] *Some Sober Reflections*, by J. H., p. 147 (1656).
[5] Firth and Rait, II, 91. [6] *Ibid.*, II, 103. [7] *C.A,M.*, VIII.

ber. Three regiments mutinied at Salisbury in May on the Lilburne question, though the first trial of Lilburne was not till October. Neither at home nor abroad was there any confidence in the Government. It was impossible to raise loans for the reconquest of Ireland even on the cry of Protestant versus Catholic.[1] The Government was gasping for money: and there was a tremendous demand for "visible security" for loans. The army was in power and terribly disgruntled on the "debenture question." Moreover, 1649–51 are the years above all others which evidence a swarm of petitions and petitioners [2] for long standing arrears of military pay, for losses of various kinds suffered during the wars, or for other services rendered to the State whether by subscribing to loans or undertaking Government services. It was in these circumstances that, on 25 June, "The Parlt. of England, taking into consideration how expedient it is for this Commonwealth, that speedy sale be made of the premises, for present raising of moneys, for and towards (amongst other things) the speedy transporting the Forces now in readiness for the Relief of Ireland, and thereby easing the Nation of the free quarter, and other burthens of those Soldiers, as also for the payt. of the debts so transferred," etc., reduced the minimum rate of Capitular lands to ten years for ready money or by way of "doubling," and to thirteen years, as against fifteen, by transference of debt without doubling.[3]

The next change of minimum to thirteen years' purchase for Royal lands—and this in July, 1649—is really no change at all. The change is not in the minimum rate of purchase but in the purchaser, who, in this case, is a debenture holder. The Act for the sale of Royal lands was intended "to make due satisfaction unto all officers and soldiers for their Arrears." [4] So the debenture holder was to buy at thirteen years' purchase just as did the holder of public faith bills

[1] Gardiner, *Commonwealth and Protectorate*, Vol. I, pp. 40, 41, 86.
[2] *C.J.*, VI, *passim*. [3] Firth and Rait, II, 155.
[4] *Ibid.*, II, p. 168. Cf. *Ludlow Memoirs*, Vol. I, p. 350.

who purchased Capitular lands by "transference of debt," that is, the thirteen years applied to men who received land solely in lieu of money owing to them by the Government. And the Act for the sale of Royal lands endeavoured to limit the number of such purchasers by providing only for "original debenture-holders," and not for debenture holders "by assignment from others." [1]

It is true that purchasers hung back in 1649. But this applied only to purchasers with ready money. Holders of public faith bills and debenture holders were eager to purchase by transference of debt, since it was a case of "land or nothing." But for men with ready money there were two considerations. First, the unpopularity of the Government and a desire to wait for any change in the order of things. Second, for the moment the market was glutted with land, and there might be a fall in prices. In March, 1650, eight years' purchase was established as the minimum for the sale of fee-farm rents. The Acts and Ordinances are full of complaints of delay and incitements to greater speed in the sale of lands.[2] Moreover, Parliament, just at the time when there were so many lands in the market, passed an Ordinance, 1 October, 1650, authorizing delinquents to sell part of their estates in order to compound: thus opening possibilities of private purchase at low bargain rates. But in February, 1650/51, the rate of purchase for fee-farm rents was fixed at ten years.[3] Similarly, ten years' purchase was fixed as the minimum for the estates forfeited under the three Acts of 1651 and 1652.[4]

[1] Firth and Rait, II, pp. 176, 191. The Act meant to protect both the Government and the troops against traffickers in debentures. But the attempt was unsuccessful. Moreover, there is little evidence for thinking that either holders of public faith bills or debenture holders could not double on Crown lands at ten years' purchase.

[2] It is probable that lands were being sold at under ten years' purchase. Many instances occur in *C.C.C.* where the price paid for land was not more than eight years. On the other hand, there are a few instances where as much as seventeen or even twenty years' purchase was paid: but such rates were the exception rather than the rule.

[3] Firth and Rait, II, pp. 360, 499, 584, 616.

[4] *Ibid.*, II, pp. 528, 594, 644.

Further inquiry into the various minimum rates of sale is not possible in this paper, except to mention three things. First : the minimum rates of sale are not nearly so many as at first sight appears. It may safely be said that the minimum price for forfeited lands, with some few exceptions of a momentary character, was at ten years' purchase for men with ready money, and at thirteen years' purchase by transference of debt. Second : when, at the end of 1653, the revenue from delinquents' estates was becoming a fast diminishing quantity, and the Government felt constrained to fix a higher minimum rate of sale, it was at once evident that lands would not sell to men with ready money at over ten years' purchase.[1] Third : the connection between the Government's financial needs and its policy concerning delinquents' estates is very close. How close the connection is can be fully realized only by the closest examination both of the various acts and ordinances of sale and of the numerous ordinances of sequestration and " the better managing of sequestered estates."

Even more important, however, than the minimum prices stated in the various acts and ordinances of sale are the actual prices paid for lands sold either privately or publicly.

With regard to private sales, while there is considerable difficulty in securing reliable information as to the actual prices of purchase, it is evident that the prices must have varied considerably, especially when, in 1650, the Government permitted sale to friend or foe. But the fact that the delinquent was prepared to sell privately to his creditors, and, in some instances, to " compound privately with informers," sometimes even to sell to informers ; or, again,

[1] The Deafforestation Act of 22 November, 1653, fixed the rate of purchase at fourteen years (Firth and Rait, II, pp. 783–812). But a fitting commentary on this rise of minimum rate is found in an ordinance of 21 August, 1654. In sundry respects such a minimum was found impracticable, " especially for that the time of payment of the greatest part of the Moneys thereby allowed to be doubled are elapsed, and no moneys paid, by which means the services whereunto those Moneys should have been applyed, are disappointed of that supply " (Firth and Rait, II, p. 947).

that the delinquent had to sell part of his estate in order to compound at a time when lands could be purchased at reasonable rates from the various bodies of trustees—all alike indicate that the delinquent often had to sell privately at "a cheap pennyworth."

With regard to public sales, there are clear indications that many lands were sold at under ten years' purchase. Civil war rendered some lands almost worthless for the time being: so worthless that the troops refused them at any price.[1] Moreover, the Government policy of letting sequestered estates on yearly leases was attended with obvious dangers. The numerous complaints made by delinquents concerning the neglect and abuse of their property and lands by state-tenants must contain at least a modicum of truth.[2] State-tenants on sequestered estates are accused of wasting woods and doing damage by digging turf,[3] or of "ploughing and tilling the land contrary to the laws of good husbandry," so that the land will be worn out by the expiration of the tenancy. They neglect fences,[4] damage tenements,[5] and in many instances render the whole estate useless.[6] The mansion houses of recusants are turned into little better than "hogstys."[7] The collieries in Clayton, Eccleshill, are "almost lost because the yearly tenants will not bestow the requisite charges for repairs."[8] And, again, there are many instances where, owing to personal favour, lands were sold at "bargain rates." It is true, of course, that these instances need careful examination, and that allowance must be made for a possible misunderstanding by the central committees in London of provincial affairs. Nevertheless, the obvious stress in the acts and ordinances of sale on "not selling under ten years' purchase" certainly indicates that lands were often sold at under ten years.

[1] *C.C.C.*, 85.

[2] Over against these complaints should be set the numerous complaints of state-tenants and under-tenants on sequestered estates.

[3] *C.C.C.*, 1300, 3047. [4] *Ibid.*, 2743. [5] *Ibid.*, 2764, 2930, 2943.

[6] *Ibid.*, 2813. [7] *Ibid.*, 1479. [8] *Ibid.*, 2379.

But actual bargains in lands purchased from the various bodies of trustees were largely determined by the speculative prices paid in buying up public faith bills and debentures to be doubled on delinquents' estates, or to be used in purchasing land by transference of debt. Thirteen years' purchase by transference of debt satisfied the Government to the extent that it served to pay off some of the Government's creditors. But it had other effects. It created an ever-increasing opposition to the Government on the part of holders of public faith bills and debentures. Men felt they had been driven to sell, and that the Government did not honour its obligations. On the other hand, for men who had bought up public faith bills and debentures at low rates, land at thirteen years' purchase was land at a bargain rate.

The same may be said of land purchased by way of doubling. "Doubling" was an ingenious device: even more ingenious than the celebrated Dr. Burgess recognized.[1] "Doubling," as already indicated, enabled the Government to pay off some of its creditors and, at the same time, to bring in more money. It also presented a great opportunity for speculation in public faith bills and in speculative land purchase. But this device also raises a question vital to Government creditors and to the finance of the Commonwealth period. What, it may be asked, happened to Government creditors who were either unable or unwilling to come in as purchasers of delinquents' lands by way of doubling? The answer may be stated briefly. Unless Government creditors were both able and willing to "double" on delinquents' lands, they were, in many instances, left unpaid,[2]

[1] Baillie, *Letters*, Vol. II, 371.

[2] Note, for instance, the petition of one, Maurice Gardiner, merchant of London, to whom the State owed £9,308 in June, 1654. The debt was recognized. But Gardiner was to have his money out of such estates as he might discover. Meanwhile he claims that his "wife and family are in a starving condition." He had received neither money nor land in 1655 (*C.A.M.*, 1478). The case of Sir Nich. Crisp is given in *D.N.B.* A debt of £274,146 was admitted as owing by the State to Crisp and his associates: but it was to be allowed only as a public faith debt solely on condition of doubling it on Crown lands. Hence as monies doubled

and, it may be added, utterly discontented. . . . If, then, "the Commonwealth was kept fairly solvent till about 1654," [1] it was solvent only by refusing to pay many of its recognized debts.

III

A brief statement remains to be made on the change in ownership of land in this period. It has been pointed out [2] that among the issues raised by the Restoration none roused such passion as did the question of land-ownership, except the question of religion. Certainly the conflict of opinion on land-ownership, actually begun during the Commonwealth period, was very bitter.[3] Royalists declared that the land settlement "made the enemies of the Constitution masters, in effect, of the booty of three kingdoms." [4]

The actual settlement has been stated as follows: "Only those sales held good which royalists themselves had made in order to raise money to pay their fines to the Government;" [5] or thus: "The Crown, the Church, and the royalist magnates were restored, while the rank and file, who had sold their estates to pay delinquency fines or to finance the King's cause, were allowed to suffer." [6]

According to both these statements, the land settlement at the Restoration held good only in the case of private sales. So that the question becomes one of the extent and magnitude of private sales.

Two points require emphasis in this connection. First:

upon the Act of 1653 (Crown Forests) the total debt computed at £552,000, to be secured on Crown lands. But Crisp and his associates could not get together more than £30,000, and their petition for time was refused (*S.P.D.*, 1653/4, 265, 353, 357). It was not till 1663/4 that Crisp and his partners were allowed an abatement in consideration of the old debt (*S.P.D.*, 1663/4, 123, 676. Also, *Cullum Letters*, pp. 283, 284).

[1] *Camb. Mod. History*, Vol. IV, 457, art. W. A. Shaw.

[2] Keith Feiling, *History of the Tory Party*, 1640–1714, pp. 100, 101.

[3] *Parl. Hist.*, IV. Also *C.J.*—debates on the Act of Indemnity and the Bill of Sales.

[4] *S.P.D.*, 1661, p. 271. Also Report VII, House of Lords MSS., p. 141.

[5] C. H. Firth, *Cromwell's Army*, p. 208.

[6] Keith Feiling, *Tory Party*, p. 101.

the two centuries prior to the outbreak of the Civil War had witnessed the rapid transference of land from the aristocracy to the bourgeoisie.[1] Both the Crown and the aristocracy had been selling parts of their estates to merchants, mercers, drapers, tailors, ironmongers, innkeepers, goldsmiths, scriveners, and to an indefinite number of citizens.[2] And the primary cause of this development lay in the fact that both the Crown [3] and the aristocracy had failed to live of their own and had resorted to the expedient of mortgaging and selling parts of their estates.[4] Moreover, there are indications that syndicates, speculating in land, are a pre-Civil War growth. . . .

"There is a society or Combination sprang upp called the Land buyers. Theis lay their purses together and as they can' light on a mannor a Gentleman's seat or a good quality of lands they buy it in grosse and make profit of it by retailing it in parcells, even to single acres, as a purchaser, will buye and making waste thereof, tendinge to the distruction of Gentry, Gentlemans seates and hospitality, mannors and Lordships." [5]

Second: the development of this process was greatly accelerated by the Civil War. As early as the beginning of 1643 a petition of delinquents' creditors reveals both the tremendous indebtedness of many royalists before 1642 and the eagerness of creditors to come in as purchasers of land

[1] Thos. Wilson, *A Discourse upon Usury*, ed. R. H. Tawney, pp. 39–41.

[2] Harrington, *Oceana* (1737), pp. 69, 70, 72. See also S. L. Liljegren, *The Fall of the Monasteries, etc.* (1924), and cf. *Calendar of City of London Plea Rolls* (1932), Introduction.

[3] *The Antiquary*, Vol. XIII (1886), Hubert Hall and R. Scargill Bird.

[4] Among the aristocracy were many Recusants who, slowly but surely, were compelled to sell parts of their estates. It must be remembered, too, that the ancient principle underlying the gage of land—that the creditor with a statutory title should repay himself out of the proceeds of the soil—was constantly abused, with the result that disinheritance had become the common fate of a spendthrift gentry; and the end was not yet (cf. Selden Soc., *Law Merchant*, Vol. III, and L.Q.R., October, 1928).

[5] MS. in the library of J. H. Gurney: printed in the *Norfolk and Norwich Arch. Soc.*, Vol. XV, 1904. The names of these buyers are given and eight instances. The editor, Walter Rye, dates the document *circa* 1630: but his reasons are not convincing.

in lieu of debt.[1] The Civil War, attended as it was by a general decrease in the value of land, by new and increased taxation, *plus* the quartering of troops, and by the policy of sequestration, which reduced the income of the delinquent to a third, quickly caused many royalists to sell parts of their estates, and usually to men of the merchant class. It is also interesting to note that some of the " well-affected " sold parts of their estates to avoid the Monthly Assessment or because they half feared the new order ; though some tried to meet the new conditions by placing the burden of war-taxation on the backs of their tenants.[2]

Obviously, however, the extent of these private sales can be determined only by instances. And although the task of tracing instances is by no means easy, sufficient are to hand to indicate that private sales were numerous. To name only a few : Looseby passed from Lady Anne Somerset, recusant, to Colonel Hutchinson [3] : Long Melford estate, " with all appurtenant rights, and the advowson of Melford Church," including Melford Hall, from the recusant Rivers' family to John Cordell, mercer of London [4] : Boynton Hall, Essex, from the recusant Timperly family of Hintlesham to Edward Wenyeve [5] : the estates of Hawstead and Hargate (Hardwick) from the Drury family, for £19,000, to Alderman Thos. Cullum, draper and royalist of London.[6] The Reyce MS., " Manors and Halls in Suffolk," [7] shows that a considerable number of halls and manors changed hands prior to, and during the Civil War period : and there is good reason for concluding that all these, with few exceptions,

[1] *S.P.D.*, 1641–3, p. 455. " A Way to raise Moneys for the Present."
[2] Rushworth, *Historical Collections* (1701), Vol. VII, p. 936.
[3] Colonel Hutchinson's *Memoirs*, pp. 316–18.
[4] Sir Wm. Parker, *The History of Long Melford* (1873), pp. 336, 337.
[5] *C.C.C.*, 2133. Also Copinger, *Suffolk Records and MSS.* Also *Timperley of Hintlesham*, by Sir Gerald Ryan, Bart., and Lilian Redstone, pp. 88, 89.
[6] *Suffolk Inst. of Arch.*, Vol. XIV, art. by V. B. Redstone. *Ibid.*, art. on Hardwick House, Bury St. Edmunds, by Lilian Redstone.
[7] From a transcript by Mr. V. B. Redstone of a MS. formerly *penes* Appleton and Thicknesse.

remained in the hands of the new owners at the Restoration. They came into the possession of families like the Springs, Shaws, Cutlers, Kebles, Bulls, Lemans, Garrards, and Sparrows. Nor would it be difficult to prove that the same kind of thing that happened in Suffolk also happened elsewhere.[1] Harwarden passed from the House of Derby to the Presbyterian Glynnes, as Mr. Keith Feiling has pointed out.[2] The rectories and tithes of Lord Newport in Shropshire came into the hands of William Pierrepoint for £10,000 [3]: and Sir Christopher Packe, Sir John Cutler, and Colonel Philip Jones were by no means dispossessed at the Restoration.[4]

Many of these lands could not be repurchased at the Restoration since many royalists were down and out. And in some instances where royalists were determined to repurchase, the new men refused to sell.[5] Moreover, rectories and tithes and advowsons had changed hands in many places, and the new patrons were often, if not Puritans, at least anti-High Church. And it is probably this fact that accounts for much of the rancour of the High Church party at the Restoration.

It is hardly possible at present to estimate what proportion of the lands sold publicly during the Commonwealth were returned to their royalist owners at the Restoration. The returns from Crown lands up to 1667 would seem to indicate that many were not returned.[6] But private sales alone justify the conclusion that the actual land settlement at the Restoration was a triumph for the "new men"—men who may best be described not as Puritans, but as business men who had thriven under the Commonwealth.

[1] Dr. Hubert Hall, who has examined English manorial muniments recently acquired by the Huntington Library, San Marino, S. California, suggests that some information might be found in those collections and the Chancery Records; also in *Josselin's Diary* (Camden Soc.) and S. J. Madge on *Parliamentary Surveys*.

[2] *Tory Party*, 101. [3] *Parl. Hist.*, IV, p. 194. [4] *D.N.B.*

[5] Colonel Hutchinson's *Memoirs*, pp. 313–15.

[6] *Cal. Treasury Books*, 1660–7.

THE SECRET SERVICE UNDER CHARLES II AND JAMES II

By James Walker, M.A., Ph.D., F.R.Hist.S.

Read 14 *April*, 1932

The reigns of the last two Stuart kings are coloured by the fact that Charles II did not inherit his throne but was restored to it. During the first seven years of the Restoration era a second attempt to overthrow the monarchy naturally seemed possible to Royalists, whose memories of the discomforts of exile were still green. Hence a special organization to watch the movements of malcontents and report on their activities, developed under the control of the Secretaries of State. Contemporary State Papers offer abundant evidence to prove that much of the time of Nicholas and his successors was consumed in dealing with information, poured in by spies stationed in almost every English county, and in those parts of Europe and the New World where regicides and others had taken refuge.

The extent to which society was infested by these pests, even before the Popish Plot had given a stimulus to their business, is difficult to realize at the present time. They were so ubiquitous that even a Lord Chancellor of England was compelled to converse with strangers in the presence of friends, or not at all.[1]

What Clarendon calls the "trade" of the informers [2] was encouraged by the second Conventicle Act, which made provision for their reward. Men, and even women,[3] masqueraded as Dissenters, attended meetings and lived with

[1] A. Jessopp, "Lives of the Norths" (1890), ii, 192.
[2] "Life" (1759), ii, 366.
[3] J. C. Jeafferson, "Middlesex County Records," iv, 246.

Nonconformist families. One case is known where the informer allowed conventiclers, whom he meant to betray, to worship in his house.[1] Hated by all decent people, these parasites, living on the earnings of better subjects than themselves, were often mobbed in the streets,[2] denounced from the pulpit,[3] and their mischievous practices exposed in tracts and popular ballads.[4] Republican notables after the Restoration were at the mercy of such men. A Yorkshire gentleman, Captain Hodgson, was maliciously reminded by a certain Daniel Lyster, whom he had once had occasion to reprimand for adultery, that "the sun now shines on our side of the hedge."[5] The evidence of men like Lyster was sufficient, as Hodgson and others discovered, to imperil both life and fortune.

In addition to the innumerable leeches who battened on the misfortunes of the Dissenters, there were spies who sent political intelligence. Some of them were more especially concerned with the collection of information relating to foreign affairs. Others were employed solely to unmask the conspiracies of irreconcilable enemies of the House of Stuart. As Charles II had inherited a legacy of unrest and disaffection from the Civil Wars, this latter aspect of secret service work was especially important during his reign.

At the outset, his ministers had the advantage of studying the secret service organization which had enabled the Rump and the Protector to disable the most carefully hidden designs of the exiled Royalists. Thomas Scot, the regicide, prepared an account of his sources of information as head of the intelligence department of the Common-

[1] S.P. Dom. Car., ii, 119, No. 21.

[2] Cal. S.P. Dom., 1673/5, 463; G. Kitchen, "L'Estrange" (1913), 300–2.

[3] Edmund Hickeringill, "The Horrid Sin of Man-Catching" (1681); "Works" (1716), i, 171–93; cf. The Character of a Sham-Plotter (1682), *Ibid.*, 212–19.

[4] The Character of an Informer (1675): Wilkins' "Political Ballads," i, 212; Neal, "Hist. of the Puritans" (1837), iii, 202–3.

[5] J. Hodgson, "Memoirs," ed. Scott (1806), 167–8.

wealth administration.[1] More valuable is the description of Thurloe's system of espionage,[2] the efficiency of which is amply revealed by his "State Papers." Information was obtained from salaried spies or chance informers,[3] while the major-generals were in constant communication with him, reporting everything of note that occurred in their districts. The despatches of the ambassadors were often useful, especially those written by Lockhart, as Mazarin habitually furnished him with information received from French agents who reported on the activities of Royalists and Levellers in the Low Countries.[4]

Both Thurloe and Scot had agents who were in touch with the most important of Cromwell's enemies. Sir Richard Willis, a trusted member of the Royalist council in London, betrayed the designs but not the persons of his friends.[5] John Wildman acted both as a Government agent and Leveller leader.[6] Abroad, Thurloe had his spies at the court of Charles himself. One of the most noteworthy was Manning, who continued to supply valuable information during 1655, until his treachery was discovered at the end of the year.[7]

[1] E.H.R., xii, 116 *et seq.*

[2] *Ibid.*, xiii, 527 *et seq.* This document was probably compiled by Thurloe's Secretary, Sir Samuel Morland, H.M.C., Finch MSS., ii, 264–6.

[3] E.g. Dollington's "Information," Thurloe, iii, 35.

[4] *Ibid.*, v, 218. Much information was obtained from the prisoners in the Tower. "There was never any design on foot but we could hear it out of the Tower. He who commanded there [Col. Barkstead] would give us an account that within a fortnight of such a thing, there would be some stirrings; for a great concourse of people were coming to them, and they had very great elevations of spirit." Carlyle, "Cromwell's Letters and Speeches," Sept. 17, 1656.

[5] Clar. S.P., iii, 743; "Hist. of the Rebellion" (ed. Macray), vi, Bk. xvi, sects. 28–31; Nich. Papers, iv, 258; Clarke, "Life of James II," i, 370–1; Burnet (1833), i, 121–3; C. H. Firth, "Last Years of the Protectorate," i, 30–1.

[6] Clar. S.P., iii, 407–9; E.H.R., xiii, 529. The Leveller pamphleteer, Richard Overton, offered his services to the Government of 1654. They were not accepted, hence, a year later, he is found working for Charles II. Nich. Papers, iii, 40, 43, 44, 50; Thurloe, ii, 590.

[7] Nich. Papers, iii, 149–87. There is a list of spies employed by Thurloe and the Rump in S.P. Dom. Interregnum, 220, No. 70, i.

One of the essentials of an efficient intelligence department, noted by Sir Edward Southwell in his Privy Council Memoranda, was "a good purse."[1] It cannot be claimed that seventeenth-century governments tended to err on the side of generosity. Scot was allowed £800 a year.[2] Thurloe spent double that sum.[3] Under the head "secret and special services," a very large amount of money was expended annually after 1660.[4] The greater part of such moneys, however, was used to pay for services in no way connected with espionage, as there were many payments, in making which it was considered advisable to dispense with the ordinary routine of Treasury issues.[5] Money issued for "secret services" other than that earmarked for intelligence, could be and was used to reward informers,[6] but as a rule such charges were met out of the allowances given to the two Secretaries of State.

The amount specifically set aside for intelligence was comparatively small. At the beginning of the reign, each Secretary had an annual allowance of £700 for the purpose.[7] After Arlington had succeeded Nicholas, this sum was supplemented on several occasions owing to the unrest in the country caused by the Yorkshire plot and the Dutch War. All of these additional payments were made to Arlington,[8] Morrice only receiving the

[1] MS. Add. 38861, f. 123.

[2] Cal. S.P. Dom., 1649/50, 221.

[3] E.H.R., xiii, 527–8; F. M. G. Evans, "The Principal Secretary of State" (1923), 112–13.

[4] E.g. April 23, 1661–Easter, 1662, £25,950. Shaw, "Cal. Treas. Books," i, pp. xxxii–xxxiii.

[5] Details of the way in which the money was spent can be learned from J. Y. Akerman, "Secret Service Expenditure of Charles II and James II" (1851), and Bertie's "Secret Service" Payments, "Cal. Treas. Books," v, pt. ii, 1325 *et seq.*

[6] Akerman, *passim*; "Cal. Treas. Books," v, pt. ii, 1325, 1327, 1329.

[7] Evans, 212 *et seq.*

[8] Money warrants were issued on July 26, 1664 (£1,000); June 12, 1665 (£2,000); "Cal. Treas. Books," i, 613, 667. He also received £5,000 "out of the poll bill," *ibid.*, ii, p. lvi. From Easter, 1666, to Easter, 1667, Arlington received £24,125 for intelligence, Cal. S.P. Dom., 1667/8, 288.

£700 assigned to him out of the revenues of the Post Office.[1]

In 1668, among other proposals to reduce the national expenditure, was one to limit the allowance for intelligence to £4,000 a year.[2] The allowance remained at this figure until February, 1675, when it was increased to £5,000, of which Coventry, the senior secretary, received £3,000 and Williamson the remainder.[3]

Although it is possible to discover from the Treasury Books the amount issued for intelligence, the ultimate destination of that money cannot as a rule be ascertained. But there is still extant in the British Museum an account drawn up by Williamson, showing how the £700 allowed annually to Nicholas had been spent.[4] Part of it was used in purchasing foreign newspapers and in giving gratuities. Six pounds was paid to Richard Blome[5] "in part of the twelfth your honour subscribed for his book of arts and sciences," and £500 appears as having been "lent your honour."[6] Most of the remainder was used in rewarding informers.

The allowance given to a spy was not as a rule a large

[1] Grey, "Debates," i, 78–9.

[2] Cal. S.P. Dom., 1667/8, 289; "Cal. Treas. Books," ii, 328, 397, 399, 410. The "Committee of the Board" appointed to overhaul the national accounts originally recommended £6,000 for the secretaries' intelligence "besides what they received out of the Post Office." MS. Eg., 2543, f. 129.

[3] "Cal. Treas. Books," iv, 638; v, 117. During the latter part of Charles II's reign, the payments fell into arrears. Sunderland only received £800 of the £2,000 due in 1683, and £2,500 of the £3,000 due in 1684. The arrears were not paid off until 1686. *Ibid.*, xiii, 627, 677, 874. Under James II, Sunderland was paid £3,000 a year and Middleton £2,000. *Ibid.*, 32, 597, 1103, 1701 (for Middleton), and *ibid.*, 32, 627, 1142, 1560, 1935 (for Sunderland).

[4] Below, Appendix. Cf. Thurloe, vii, 785–8.

[5] Wood describes him as having practised for years "progging tricks in employing necessitous persons to write in several arts, and to get contributions of noblemen to promote the work" (*Ath. Oxon.*, ii, 298).

[6] Part of this money was paid to spies by Nicholas himself. See Cal. S.P. Dom., 1660/61, 416, a note by the Secretary that he paid £80 to Major Wiltshire between September 27 and December 18, 1660. For payments made to Wiltshire by Williamson, see below, Appendix.

one. Williamson only disbursed £57 to Edward Potter.[1] Captain Pestell was treated more generously, receiving £60 in five months.[2] Colonel Bampfield, who had figured in Thurloe's list of intelligencers and repeatedly expressed his willingness to serve Arlington and later Jenkins, obtained £50 from the former between June and December, 1663, his requests for further payments being ignored.[3] During the Popish Plot, when allowances to informers were being made on a more liberal scale, Timothy Taylor, through whom a despicable city spy, Sir James Hay, corresponded with Jenkins, paid more than £21 to Hay in less than three weeks, some of it out of his own pocket.[4]

The spies themselves are frequently found complaining of the inadequacy of the allowances, most of them with the effrontery of their kind making very exaggerated estimates of the value of their services. But in some cases there was no doubt substance in their complaints, especially when account is taken of the risks they ran. Downing found it necessary to remind Clarendon that "men will not do things of this nature for nothing."[5] Edward Riggs, to whom discovery might have meant death, averred that he could not live in Holland on £40 a year, but would need at least £100, having spent 150 guilders more than the Secretary had given him.[6]

There was no uniform system of payment. William Leving, like Oates and many other of the Popish Plot witnesses, obtained a regular allowance, which was three months in arrears in February, 1666.[7] Downing paid £25 a quarter to a Dutchman who provided him with copies of official papers.[8] Edmund Everard, notorious as the

[1] Below, Appendix. [2] *Ibid.*
[3] S.P. For., Holland, 167, pp. 169, 186.
[4] Taylor to Herne, March 3, 1681; Stowe MSS., 186, f. 84.
[5] Lister, "Clarendon," iii, 182.
[6] Cal. S.P. Dom., 1663/4, 501; 1670, 666.
[7] *Ibid.*, 1665/6, 230.
[8] Downing to (Bennet), Feb. $\frac{4}{14}$, $166\frac{4}{5}$. S.P. For., Holland, 174, p. 113.

betrayer of Fitzharris, afterwards became one of Skelton's spies in Holland, obtaining payment for his services on his return, and a pension from James II.[1] The award of pensions to those who had given information of first-class importance was not unusual, this method being adopted to reward Philip Alden, the betrayer of the Irish conspiracy of 1663,[2] and Nicholas Escott for services rendered in 1665.[3]

A cheaper way of rewarding informers who had forfeited their credit with the disaffected was to appoint them to official positions. Bradley was restored to the post he had filled at Whitehall as a government messenger in Commonwealth times.[4] Ezekiel Everest, one of the companions of Lord Grey in his flight to the Continent in 1683, later on deserted the Whig cause and thereby earned a Customs appointment at Harwich and a bounty from James II.[5] Too often, however, the regularity of the payments depended upon the volume of intelligence collected by the informer. Bampfield was never given the regular allowance for which he so often pleaded.[6] At the end of the reign, when Dangerfield pressed Coventry for further supplies, the Secretary, who had grown "waspish, told him that all his discovery lay in his own talk," and sent him away empty-handed.[7] A good deal of sympathy can be felt for Coventry, overwhelmed as he was by false information, but it is equally true that payment by results may operate as a positive incitement to false accusations. Instances of this evil are only too common, particularly as the authorities were more than half persuaded that the

[1] Akerman, 150, 163, 195, 207. Skelton to Sunderland, Dec. $\frac{15}{25}$, 1686; Jan. $\frac{15}{25}$, 1686/7. S.P. For., France, 150, p. 171; *ibid.*, 151, p. 8. Sunderland to Skelton, Dec. 27, 1686, For. Entry Book, France, 19.

[2] £100 a year. Cal. S.P. Dom., 1670, 174; *ibid.*, 1671, 265.

[3] £50 a year. *Ibid.*, 1667/8, 461.

[4] *Ibid.*, 1663/4, 68.

[5] Akerman, 101, 102, 110, 114.

[6] S.P. For., Holland, 168, pp. 79 *et seq.*

[7] Ralph, i, 480–1.

disbanded republican soldiers only awaited a suitable opportunity to rebel.

The spies generally received their pay through the intermediary to whom they sent their information. Particularly in the Royal Household there was no lack of suitable agents who had grown proficient in the business by trying to outwit Thurloe's spies. William Williamson sent accounts of sectaries to Sir William Compton, Master of the Ordnance, who before the Restoration had negotiated with the Levellers on behalf of Charles II.[1] Potter corresponded with Sir Edward Broughton, the Keeper of the Gatehouse. The Crabbs dealt with Sir William Darcy [2] and Aphra Behn with James Halsall and Thomas Killegrew. When they wrote direct to the Secretary, the informers generally used fictitious names and sent their letters to a prearranged address. Writing to Ormonde in 1666, Orrery suggested that the spy he was sending to England should communicate with them through Godolphin and that his letters should be addressed, " c/o the Dublin Post-master." [3] Lastly, for greater secrecy such correspondence was sometimes written in cipher, lemon juice or invisible ink.

Spies employed by the Secretary abroad were not necessarily known as such to the English ambassador. Bampfield, for example, solicited Downing's good offices at Court without disclosing the fact that he corresponded with Arlington.[4] Ambassadors had their own secret service, paid for by the Treasury and not from the funds allotted to the Secretary for intelligence. Each ambassador was allowed the ordinary expenses of his embassy at a fixed

[1] H.M.C., Rep. x, App. vi, 195.

[2] Below, Appendix (MS. Eg., 2543, ff. 61–2).

[3] Orrery, " State Letters " (1742), 105. Leving was known as Leonard Williams; Riggs as Edward Bean, Richard Smith, Robert Williams, Henry Parker and Samuel Davies. Bampfield used the pseudonym " Geoffrey," and sent his letters to Sir Allen Apsley, the Treasurer of the Duke of York. At the end of the reign, when he was employed by Jenkins, an attorney named Thomas Hughes was used as an intermediary.

[4] S.P. For., Flanders, 169, pp. 176, 195, 170, p. 50.

rate, and an indefinite sum for "intelligence, sending of letters and other extraordinary expenses . . . as shall appear due to him by bills . . . attested by one of our principal secretaries of state." [1] Downing's instructions particularly charged him to watch the movements of the exiles in Holland and contained a promise to reimburse him for such expenses as he accounted for to the Secretary.[2]

Until Danby's appointment to the Treasury, the Lord Treasurer had little control over money issues.[3] An ambassador's secret service payments were as a rule modest in amount and no difficulty was experienced in passing them. But Downing's expenses were necessarily heavy during the first critical years of Charles II's reign and he was frequently forced to complain of the inadequacy of the sum allowed.[4] He represented to the home authorities that he would need more liberal supplies, the payment of which on one occasion Southampton appears to have resisted.[5] His outlay on secret services averaged approximately £1,000 a year between February, 1662, and January, 1665, the money generally being paid in instalments of £250 and £500 to Woodruffe his servant.[6] But ambassadors did not always confine their secret service activities to the territorial limits to which they were accredited. Sir William Temple, when at Brussels, paid considerable sums not only for intelligence at Brussels, but also for Dutch and German news, and £22 to "a person employed to observe the actions of John Desborough and other fanatics in Holland." [7]

[1] Warrant concerning the allowances to Sir William Swan, S.P. For., Hamburgh, 10, p. 57.

[2] S.P. For., Holland, 219. Cf. Charles II to the Treasurer and Under Treasurer, May 24, 1661, authorizing such payments to Downing. MS. Add., 22919, f. 146.

[3] See Andrews, "Guide to the Materials for American History in the Record Office" (1914), ii, 136.

[4] Lister, iii, 182.

[5] *Ibid.*, 388; "Cal. Treas. Books," i, 677.

[6] "Cal. Treas. Books," i, 365, 381, 401, 516, 521, 528, 536, 547, 610, 640. For examples of the expenses of other embassies, see *ibid.*, v, pt. i, 716; pt. ii, 880, 907, etc.

[7] MS. Add. 22920, f. 194.

In addition to the spies in the service of the Government and its ambassadors were those employed by the local magistrates. Sir Thomas Osborne, when High Sheriff of Yorkshire, allowed £15 each to two spies.[1] Sir Philip Musgrave, Governor of Carlisle, was given £10 by Nicholas with which to reward informers.[2] Another North Country squire, Christopher Sanderson, employed an intelligencer, Haggett by name, and paid him out of his own pocket £140 in two years. Although Arlington had promised to reimburse him, Sanderson had great difficulty in getting his money back, and on one occasion protested when the secretary advised him to seek repayment from Musgrave.[3] The use of spies by local officials is particularly noticeable at the time of the Yorkshire plot. Sir Thomas Gower relied for most of his information upon the conspirators themselves, one of these, Major Greathead, receiving an allowance from the Secretary's funds.[4] Doubtless most of the money Gower's successor, Sir Roger Langley, received from the Treasury in 1665 for "his expenses in the management and discovery of the late plot," was swallowed up in rewards to informers.[5]

Our knowledge of the men upon whom the Restoration Government relied for news of its enemies does not inspire confidence in either their efficiency or honesty. Secret service work did not appeal to men of honour and standing in the seventeenth century, hence the Secretaries of State had no other resource but to employ time servers and rogues like those whose wild stories placed the lives of Catholic gentlemen in jeopardy after 1678.

Among the early exponents of the trade in which the arch-cheat, Titus Oates, was to excel, was a destitute cord-winder named Edward Potter. As a result of entering government service as a spy and fomenter of unrest,

[1] Cal. S.P. Dom., 1661/2, 537–8. [2] Below, Appendix.
[3] Cal. S.P. Dom., 1665/6, 595; 1666/7, 105, 154; 1667, 92.
[4] *Ibid.*, 1663/4, 279, 331–2.
[5] *Ibid.*, 1664/5, 329; "Cal. Treas. Books," i, 566, 654, 664.

he was able to pay his debts and exhibit gold coins to suspicious and envious neighbours. His business was to travel through the home counties, attend meetings of sectaries, and, in his own words, "help them forward in any plot against the government and then reveal it." On one occasion he regretted his inability to "get them to work so they might be dealt with." Potter's usual method of carrying on his trade, as appears from an information lodged against him by an acquaintance, was to talk treason and to drop vague hints of an impending rising in the presence of his victims.[1]

Potter was not the only spy to act intentionally as an *agent provocateur*. Hill and Bradley, two of the Crown witnesses in the Trial of Tonge and his confederates, acknowledged that they had followed this course.[2] The same means of obtaining information was resorted to by Ormonde in 1666 when he despatched Captain Archer to Holland with instructions to ask the Dutch what help would be forthcoming in the event of a rising.[3] More blameable was the conduct of Peter Crabb, who is first heard of as the forger of a letter from Colonel Bassett of Taunton.[4] Dated 25 December, 1660, it implicated William Kiffen, the well-known Baptist, in a conspiracy against the Government.[5] Kiffen was examined by the Council, but easily succeeded in proving his innocence.[6] Yet, for this villainy Crabb received £10[7] and an introduction to Sir William Darcy,[8] who encouraged him in his ambition to obtain an income

[1] Cal. S.P. Dom., 1661/2, 85, 134, 284. For his reports to Broughton, see *ibid.*, *passim*. After the retirement of Nicholas, he was employed by Arlington. *Ibid.*, 1663/4, 403. For an account of the "Derwentdale" Plot see Dr. Gee's paper in *Transactions*, Vol. XI, pp. 125–42.

[2] "State Trials," vi, 240–1, 246, 248.

[3] Carte Transcripts, 34, p. 333.

[4] Bassett was executed after Monmouth's Rebellion (Toulmin, "Hist. of Taunton," ed. Savage (1882), 459, 511).

[5] Cal. S.P. Dom., 1660/61, 421; 1661/2, 159, 162.

[6] Orme, "Life of Kiffen" (1823), 28–31.

[7] Below, Appendix.

[8] One of the Deputy Lieutenants for Durham. See E.H.R., xl, 360; Cal. S.P. Dom., 1660/62, *passim*.

from public funds.[1] Masquerading as quack doctors, Peter and his brother John went to live in Bishopsgate, periodically compiling untrustworthy accounts of the state of City politics.[2]

The reports of such inconsiderable rogues as Potter and the Crabbs were usually untrustworthy and rarely accurate. They were obliged to invent their news or report the idle rumours of the town. But the Secretary's most pressing need was a means of contact between himself and the leaders of the revolutionary elements that had survived the downfall of the Commonwealth. Hence, Arlington, like Thurloe, found his most useful informants among the malcontents. One of the pardoned traitors enlisted by him in the King's service was William Leving. Born in the Bishopric of Durham, Leving first attracts attention as a junior officer in Hasilrig's regiment, who forfeited his arrears of pay by supporting Lambert in his duel with Monck. He lived quietly enough in Durham until April, 1663, when he was drawn into the Yorkshire plot. Surrendering himself to Sir Thomas Gower after the collapse of the conspiracy, he was handled none too gently by that harassed and infuriated High Sheriff.

Leving's prison experiences convinced him that it would pay to change sides. He made a confession and offered to become a spy, at the same time assuring his late associates in York Castle that he would never betray them. Leving had sufficient credit with Colonel Blood and the group of republican outlaws associated with him to make the offer attractive, provided he could be trusted to keep faith with his employers. The Secretary, as a result of Sir Roger Langley's intercession, decided to take the risk and permitted Leving to "escape" from the Tower.[3]

[1] MS. Eg., 2543, ff. 61–2.

[2] Cal. S.P. Dom., 1661/4, *passim*.

[3] Gower's account of Leving, March ?, 1664. S.P. Dom. Car., ii, 95, No. 113; Leving to Bennet, June 8, 1664; *ibid.*, 99, No. 30, i; Cal. S.P. Dom., 1658/9, 384; 1663/4, 479, 563, 573, 574, 593, 615, 616, 629, 652, 653.

Leving became one of the most useful spies Arlington possessed. His relations with the Government were unknown outside Whitehall. Fellow spies, ignorant of his employment, sent news of his presence in London,[1] while on one occasion he fell into the hands of an officious magistrate in Leicestershire, who detained him as a proclaimed traitor.[2] For three years he provided Arlington with particulars of the movements of Blood's friends,[3] and in March, 1665, delivered seventeen of the outlaws into the hands of Captain Gilbert Thomas, the Provost-Marshal. But the risks he ran were considerable. He narrowly escaped being murdered in February, 1665, when a spy named Fawcett, who had forfeited the trust of the disaffected, betrayed him to the party. Leving only managed to save his life by brazenly denying the truth of Fawcett's revelations.[4]

Two years later, however, by his own indiscretions, Leving turned the suspicions of the outlaws into certainties. Apparently he varied his employment as a secret service agent by plying the trade of highwayman. Caught red-handed, he was imprisoned in York Castle and removed later to Newgate by a warrant from Morrice after his identity had been established.[5] It was decided to send him back to York under armed escort in order that he might witness against some of the unconvicted prisoners implicated in the Yorkshire plot of 1663. A well-known republican outlaw, Captain John Mason, who had been a fugitive since the collapse of that plot, was also included in the party.[6] Mason was rescued by Blood at Darrington, but Leving, instead of escaping with his companion, showed himself in his true colours after the fight by revealing the names of Mason's rescuers to the authorities.[7] A warrant pardoning him for

[1] Cal. S.P. Dom., 1664/5, 211. [2] *Ibid.*, 357.

[3] *Ibid.*, 1664/7, *passim*.

[4] *Ibid.*, 1664/5, 215, 259, 293; *H.M.C.*, Leeds MSS. 7; "The Intelligencer," No. 21, March 20, 1664/5.

[5] Cal. S.P. Dom., 1667, 107, 170, 236, 265, 285; Reresby, "Memoirs" (1875), 74.

[6] Cal. S.P. Dom., 1667, 292, 310, 360.

[7] *Ibid.*, 326, 331, 337, 369.

his latest offence was issued, but Leving's career was at an end. He was found poisoned in his cell in York Castle, the murderer, as one of the Government spies hints, being the agent of those conspirators whom Leving had betrayed.[1]

Another of the reformed traitors who were of some importance as secret service agents was Edward Riggs. He had served Blake as a chaplain, later being preferred to a sequestered living in Kent, from which he was ejected in 1660.[2] He is next heard of in 1662 as a brewer's clerk, keeping company with Bradley, an unscrupulous rogue whom Nicholas had engaged as a spy. According to his own account, it was from Bradley that he learned particulars of what is popularly known as Tonge's plot.[3] He was introduced to the meetings and distinguished himself by his zeal in forwarding the design. There is no reason to suspect Riggs of disloyalty to the conspirators until after his imprisonment. He then, however, turned King's evidence, and was released in April, 1663, a warrant being issued for his arrest after he had safely fled the country.[4] He made his way to Holland, and as an outlaw moved among the exiles until February, 1664, when he returned home.[5] He was never employed again as a spy, but became a chaplain in the Navy and was killed while on active service in 1666.[6]

In Ireland, the Government had the services of Philip Alden, a republican officer who had once held high rank under Ludlow. He betrayed the Irish plot of 1663 to Ormonde, was arrested to hide his treachery from the plotters, and afterwards allowed to escape. To impress the republicans with its genuineness, the Constable of Dublin

[1] Cal. S.P. Dom., 1667, 345, 427.
[2] S.P. Dom. Car., ii, 66, No. 36; Parker, "History" (1727), 60.
[3] Cal. S.P. Dom., 1661/2, 600.
[4] *Ibid.*, 546; 1663/4, 108, 112, 118, 250; H.M.C., Leeds MSS., 5.
[5] Cal. S.P. Dom., 1663/4, *passim*; S.P. Dom. Car., ii, 93. Nos. 87 and 88 contain abstracts made by Riggs from his reports.
[6] Clarke, "Life of James II," i, 396–7; Burton, "Hist. of the Reign of Charles II and James II" (1693), 46.

Castle was dismissed for negligence. As a spy, Alden corresponded with Ludlow and reported as much of the plans of Blood and other outlaws as he thought fit,[1] until his usefulness to the Government was impaired by the discovery of the plotters that he was one of the Arlington agents.[2]

Lastly, Arlington found an intelligencer of doubtful value in Holland in the person of William Scot, the impecunious and unworthy son of the regicide. Scot in 1665, while serving as a trooper in Bampfield's Dutch regiment, betrayed to De Witt's government Thomas Corney, an English spy, and Nicholas Oudart, one of the employees of the English embassy.[3] In England, however, the Government, apprehensive of its safety, felt the need for reliable information as to the hopes and intentions of the exiles. Arlington therefore in the next year, ignorant of Scot's anti-British action, enlisted him in his service by means of his mistress, the notorious woman novelist, Aphra Behn. Scot's appointment provoked the jealousy and indignation of Corney, who since his release from prison had been engaged as one of Temple's spies.[4] He wrote to Oudart, who had become one of Arlington's clerks, threatens ing to punish Scot for his perfidy, vilifying the latter's character and throwing cold water on the notion that Scot possessed either the will or the ability to serve the King. He urged Oudart to open Lord Arlington's eyes to Scot's unsuitability for such work, and affirmed that he was dis-

[1] Arlington writing to Ormonde (Aug. 25, 1666) says "that Blood speaking lately of him [Alden], said we know him to be Arlington's spy, but we are sure he will tell nothing to our disadvantage" (*Misc. Aulica*, 414).

[2] Carte, "Ormonde," iv, 124, 254–7; Parker, 68–9, 74–6; Orrery, "State Letters," 82; Cal. S.P., Ireland, 1663/5, 101, 139, 42.

[3] S.P. For., Holland, Newsletters, Vol. 47, July $\frac{14}{24}$, 1665; S.P. For., Flanders, 35, *passim*; Cal. S.P. Dom., 1664/5, 500; "D'Estrades' Letters" (1711), i, 530.

[4] On Arlington's advice, Corney was dismissed by Temple and shortly afterwards came to England to petition for employment. (Courtenay, "Memoirs of Sir Wm. Temple," i, 234–9; Bebington, "Arlington's Letters" (1701), i, 66, 100: Cal. S.P. Dom., 1667/8, 127, 281; 1668/9, 176.)

trusted by the exiles and dare not visit the principal Dutch cities owing to the certainty of being imprisoned for debt.[1]

A number of letters passed between Aphra Behn and Arlington, in which Scot was poetically dubbed " Celadon " and Mrs. Behn " Astrea." [2] Corney's protests, however, seem to have had some effect, as in November Mrs. Behn complained to Arlington that although she had been sent to the Continent on his Lordship's business, she had been left to her own devices without help of any kind from home. But her experiences in this respect illustrate the fortune of all who were semi-officially engaged in the underworld of Restoration politics and need not wholly be ascribed to Corney's representations.

As part of the machinery for detecting conspiracies, the Post Office, both before and after the Restoration, was of unique importance. In fact, there is little doubt that the Post Office became a royal monopoly, under the control of the Secretary of State, partly in order to simplify the task of discovering the plans of disaffected subjects.[3]

The secrecy of the post was violated on a greater scale during the seventeenth century than at any other time. Even the correspondence of ambassadors was not immune from inspection.[4] With the organization of the inland postal

[1] S.P. For., Flanders, 35, pp. 81, 95–6 ; Cal. S.P. Dom., 1666/7, 82–3. Scot was imprisoned for debt about Oct. 1666, *ibid.*, 236.

[2] *Ibid.*, 1666/7, *passim*. There is an account of her mission, compiled from these letters, in M. Summers, " Works of Aphra Behn " (1915), i, xxii–xxvii.

[3] Letters, which were not taken abroad by royal couriers, were frequently seized and examined as early as the reign of Edward II, while in 1525 Wolsey subjected the despatches of Charles V's ambassador to this treatment (Report from the Secret Committee on the Post Office (1844), 4, 95, 99–101).

[4] Cf. the energetic protest of the Venetian ambassador in 1641 (*ibid.*, 104–5 ; L.J., iv, 435–7). The despatches of French ambassadors echo the same complaint (Colbert to Lionne, June 24, 1669 ; Baschet Transcripts, Vol. 122 ; Jusserand, " French Ambassador at the Court of Charles II," 193). On the other hand, Downing found it necessary to use cipher (S.P. For., Holland, *passim*). In Paris successive English ambassadors were convinced that Louis XIV knew the contents of the mail bags before they reached the embassy (*ibid.*, France, *passim*). Even the correspondence of Charles II with his sister was tampered with (Jusserand, 50).

service by Thomas Witherings in the reign of Charles I, private correspondence was also brought within the purview of the authorities.[1] A systematic use of this means of defeating conspiracies was introduced by Thurloe, who in 1655 succeeded John Manley, the first "farmer of the posts," as Postmaster-General.[2] During his tenure of office the Postage Act of 1657 was passed, the authors of which boldly stated that one of the objects of the measure was to prevent the Post Office being used for the transmission of sedition.[3]

The use Thurloe made of his monopoly is well known and the State Papers he has left behind testify to the efficiency of his agents. All letters passing through the London office were examined in the small hours of the morning by Dorislaus. When the mail was unusually heavy, Morland assisted him, while Dr. Wallis was always at hand to decipher suspicious packets.[4] By doing the work secretly, these officials avoided the ill-feeling generated by the more open methods of previous governments, although the lack of skill shown by Dorislaus in covering up his tracks often discovered to indignant recipients what had happened.[5] Provincial postmasters, who were expected to act as intelligencers, received instructions to forward to London all letters addressed to known opponents of the Government.[6]

[1] Before the outbreak of War the Long Parliament ordered the mail to be brought into the House on several occasions (Report from the Secret Committee, 101–4). The Commonwealth Council of State did the same whenever it had reason to believe that trouble was brewing (Cal. S.P. Dom., 1648/51, 126; 1649/50, 56, 533, 535, 541; 1650, 7, 223; 1651/2, 216).

[2] J. C. Hemmeon, "Hist. of the British Post Office" (1912), 4 *et seq.*

[3] Firth and Rait, "Acts and Ordinances of the Interregnum," ii, 1110.

[4] Wallis was employed by Charles II and in 1683 confessed that he could not decipher the famous letter from Argyle found on Colonel Holmes (S.P. Dom. Car., ii, 427, No. 93; S.P. Dom., Entry Book 68, p. 313). In 1699 he was asked by William III to train a young man in the "art of deciphering that it may not die with him" (MS. Add. 27382, f. 265).

[5] E.H.R., xiii, 527, 533. The royalists were not ignorant of what was going on (Cal. Clar. S.P., iii, No. 352).

[6] Thurloe, vi, 85–6; Cal. S.P. Dom., 1660/61, 409, cf. Monck to the Protector, May 22, 1657: "Your commands shall be carefully observed in searching the post letters on Saturday and Tuesday and the following weeks" (Firth, "Scotland and the Protectorate," Letter cclxxvii).

It was not possible, however, to keep an eye on all private correspondence by these methods, because many places lacked a post-house.[1] When no service was provided it was understood that private enterprise could supply the deficiency.[2] A large number of letters were therefore entrusted to carriers. After the Rye House Plot an attempt was made to put down the private conveyance of correspondence altogether, because it diminished the revenue and assisted treasonable designs. Seamen and carriers were forbidden to take letters further than the first post stage, except those which concerned the goods they carried. At the same time the Postmaster was ordered to establish post-houses in all market towns and to print a list of them.[3] A similar proclamation was published in 1685, its provisions being given statutory form in the reign of Queen Anne.[4]

No provision was made for the public conveyance of letters between one part of the metropolis and another until Murray and Dockwray introduced their penny post in 1680.[5] Their business was afterwards incorporated in the national system owing to the greedy complaints of York that it infringed his monopoly and also because it had proved useful to Whig writers in the dispersion of their seditious wares.[6] Prior to the penny post, such correspondence was delivered by private carriers. Under Thurloe they were periodically arrested and their mailbags examined

[1] H. Joyce, "Hist. of the Post Office" (1893), 35–6.

[2] Two judges ruled in 1646 that an inland postal monopoly could not be legally conferred by letters patent from the Crown, without the authority of an Act of Parliament (Report from the Secret Committee, 5–6). The Postage Acts of 1657 and 1660 defined the monopoly of the P.M.G. as extending between those places "where he shall settle the posts." The Proclamations of 1635 and 1638 gave Witherings a similar monopoly. That of 1638 permitted letters to be sent by special messenger, a friend or "the common known carriers" (*ibid.*, 57–8). That others besides his deputies carried letters to and from London was one of the complaints of Henry Bishop, the first P.M.G. of Charles II (*ibid.*, 83), offenders being sometimes prosecuted (Jeafferson, iv, 37).

[3] Report from the Secret Committee, 91–2.

[4] *Ibid.*, 92–3. Statutes of the Realm, 9 Anne c. ii.

[5] Joyce, 36–40; Aubrey, "Lives," ii, 91.

[6] Hemmeon, 28–31; Muddiman, "The King's Journalist," 221.

at Whitehall. But the Government only adopted such measures when it had reason to think treasonable designs were afoot and hence defeated its own purpose. Being forewarned of what was likely to happen, plotters devised other means of communicating with one another. In such a small city as seventeenth-century London, they had no need to put on paper what could easily be communicated orally.[1]

The connection between the Secretariat and the Post Office was strengthened after 1660.[2] The indenture between the King and Henry Bishop, his first Postmaster-General, provided that a Secretary of State should have power to veto all appointments and examine letters.[3] But others besides the Secretaries were in the habit of tampering with the mails at the beginning of the reign. Buckingham on one occasion ordered a provincial postmaster to permit letters to suspected persons to be opened.[4] The Bishop of Durham, whose powers were more extensive than those of other lord-lieutenants, intercepted letters from plotters in 1662,[5] but it was not unusual for less important magistrates to do the same. Baxter has described the difficulty he had in recovering a harmless letter he wrote to his mother-in-law, which Sir John Packington had sent to Clarendon.[6] At Norwich in 1662, when news of Tonge's plot arrived, Sir Thomas Meadows had the mail carried to his house, where he assembled suspected persons and opened their letters.[7] Less defensible was the action of the Post Office clerks in 1661, who, the night before the arrest of John Wildman, stopped the mail at Hounslow, presumably with the intention of removing anything likely to injure Wildman.[8]

[1] The author of the tract discussed in "Thurloe and the Post Office" (E.H.R., xiii, 531–2) recommended instead that all carriers should be licensed by a Government official to whom they were to show their letters before delivering them.

[2] Evans, "Principal Secretary of State," 278–85.

[3] Report from the Secret Committee, 76–8.

[4] H.M.C., Wombwell MSS., 116–17.

[5] Cosin Correspondence, ii, 99–100.

[6] *Reliq. Baxter*, ii, 301.

[7] "Kingdom's Intelligencer," No. 47, Nov. 17–24, 1662.

[8] Cal. S.P. Dom., 1661/2, 196–7.

On the appointment of Bishop's successor, Daniel O'Neale, in 1663, a royal proclamation forbade the opening of letters without a secretarial warrant.[1] In other words, the King's right to examine the mail was for the first time recognized as a power which could only be exercised at the discretion of a Secretary of State. Under Anne, legislative sanction was given to this practice.[2] This rule, however, was not firmly established during the seventeenth century. Provincial officials continued to act without a secretarial warrant.[3] In this connection one may recall that the first news of Monmouth's intention to invade the West Country was gained at Ilminster post-house by Captain William Speke and the Vicar, who seemed to have opened any letter they pleased.[4]

But all available evidence goes to prove that Charles II's government did not consistently use its powers in the thorough way Thurloe had done. Only at times of political excitement was the Post Office thoroughly searched.[5] Lists

[1] Cal. S.P. Dom., 1663/4, 149.

[2] 9 Anne c. ii, clause xli. For the use of these powers in the eighteenth and nineteenth centuries, see Report from the Secret Committee, 107–15, and E. R. Turner, " The Secrecy of the Post " (E.H.R., xxxiii, 321–7). The Secretary of State exercised his power unchallenged until 1844, when Sir James Graham had to reply to the complaints of Mazzini (C. S. Parker, " Life and Letters of Sir J. Graham " (1907), i, 424–47). A few years later Gladstone's P.M.G. protested when the letters of the Irish M.P.'s were opened (M. G. Fawcett, " What I Remember " (1924)). No change was made in the law and the Home Secretary still exercises this power. Until 1911 he signed a separate warrant for each letter it was desired to examine. In 1911 he began to issue general warrants authorizing the examination of all the correspondence of particular people (Winston Churchill, " The World Crisis " (1911–1914), 52, 211).

[3] Cal. S.P. Dom., 1667, p. 114. Three of Ezekiel Everest's letters were stopped at Chichester in 1683 (S.P. Dom. Car., ii, 429, No. 186), and from Taunton John Pigott sent to Jenkins the fruits of a search through the mail bag (*ibid.*, 427, No. 125).

[4] Roberts, " Life of Monmouth " (1844), i, 214–15.

[5] In 1677 Henry Coventry even found it necessary to complain that Dorislaus was not showing his previous zeal in accounting for the letters which passed through his hands (Coventry to Arlington, Sept. 18, 1677, Add. MS. 25125, f. 31). Arlington was the P.M.G. Two years earlier the same writer had asked Essex to examine the Irish mail, in words that prove that this was not usually done (Same to Essex, March $\frac{17}{27}$, 1674/5; Essex Papers, viii; Stowe MSS. 207, f. 251).

were sometimes made of persons whose letters it was thought necessary to open.[1] During the election of the Pensionary Parliament, the mail out of London was stopped [2] and a large number of letters extracted, announcing the return of four Presbyterians for the capital.[3] Arlington exercised his authority by order of the King immediately after taking office and in 1663 wrote to Ormonde in order to make arrangements for a systematic examination of the Irish mail.[4] During the second Dutch War he called to his aid Sir Samuel Morland, who freely placed at the Government's disposal the expert knowledge he had gained under Thurloe. A room was provided at the Post Office for Morland and his staff, where they continued to work until they were burnt out by the Fire of London.[5]

From the discovery of the Popish Plot until the Revolution, a closer watch was kept upon the contents of the mail-bags. On November 1, 1678, the Commons ordered a search for letters addressed to Coleman.[6] Under James II a careful supervision was maintained. The Scotch mail was detained on one occasion for a whole week at Whitehall,[7] and twice during the weeks preceding the Revolution no letters were allowed to leave London.[8] It was not until after 1688 that the use of the Post Office as an arm of the secret service was definitely subordinated to the idea that

[1] S.P. Dom. Car., ii, 187, No. 157 (1666 ?).

[2] Grosart, "Marvell's Works," ii, 52.

[3] Cal. S.P. Dom., 1660/1, 535–43. Eighteenth-century governments also found that the Post Office made an excellent election agency. (See L. B. Namier, "The Structure of Politics at the Accession of George III," Vol. i, 85 and note.)

[4] *Misc. Aulica.*, 291.

[5] H.M.C., Finch MSS., ii, 264–6.

[6] C.J. of date. At this time Algernon Sidney wrote "letters are soe often opened that noe man in his senses will write anything that is not fit for the publike view" (Forster, "Original Letters" (1830), 94; "Letters to Saville" (1742), 16). Henry Sidney was obliged to send his letters to Orange by private messenger (Prinsterer, "Correspondence inedite de la Maison D'Orange—Nassau," 2nd series, v, 422).

[7] Joyce, 44.

[8] Van Citters to the States-General $\frac{\text{Oct. 30}}{\text{Nov. 9}}$, $\frac{\text{Dec. 20}}{\text{Dec. 30}}$, 1688. Mack. Coll. Add. MS. 34510, pp. 160, 183.

it was primarily an organization for the collection and delivery of letters.

It cannot be claimed that the authorities obtained evidence of great value by these tactics. Many of the letters emanating from disaffected sources among the State Papers were not intercepted, but taken from the cabinets of accused persons. In this latter category, for example, are to be placed the large number of letters written by Ferguson the Plotter.[1] Part of the Government's knowledge of the supposed Presbyterian plot of December, 1661, was said to have been gained from intercepted letters,[2] but the contents of the State Papers do not support the claim. The bulk of the correspondence, detained in the early part of the reign of Charles II, merely consists of critical comments on the conduct of the Ministers.[3] Only occasionally did the searchers find treason in the mail-bags.[4]

The Rye House Plot papers yield a number of intercepted letters sent by the exiles in Holland. Nearly all of them deal with private affairs and were written by men who knew that they would be read by government officials.[5] Two of these, those of Row and Rumbold, were actually composed for the eye of the Secretary. The former wrote to Rumsey and West, threatening to give evidence against them unless they subscribed to his support.[6] Rumbold addressed a letter of mock sympathy to West, which painted the informer's share in the plot in the blackest colours and reminded him that he had not dealt faithfully with his new employers.[7] Only one outstanding prosecution was based

[1] Several of them are printed in Ferguson's "Ferguson the Plotter" (1887), *passim*.

[2] L.J., xi, 355.

[3] Cal. S.P. Dom., 1660/1, 423; 1661/2, 593; 1663/4, 63, 117, 323, etc.

[4] Cf., e.g., the intercepted correspondence of the Bristol plotter, Captain Gregory (*ibid.*, 1661/2, 604; 1663/4, 382), and a letter addressed by H. H. to John Knowles in 1664, which the Secretary with good reason believed to contain a reference to a fund for the support of the exiles (S.P. Dom. Car., ii, 98, No. 96, May 23, 1664).

[5] See, e.g., Thomas Dare to John Duck, Aug. 3/13, 1683, *ibid.*, 430, No. 29.

[6] *Ibid.*, 434, No. 44.

[7] *Ibid.*, 430, No. 16.

on intercepted correspondence, namely that of Sir Samuel Barnardiston, who was fined £10,000 for commenting critically on the Rye House Plot trials.[1]

Correspondence between exiles and their friends at home, some of it in cipher, often reached its destination when sent through the post.[2] The English consul complained in 1681 that libels were forwarded to Amsterdam through this channel.[3] The absence of intercepted letters of real value can partly be explained by lack of care during the searches, Calamy even posting a copy of William III's declaration to England, which went safely.[4]

The comparative fewness of the intercepted letters, however, suggests that the exiles rarely entrusted important correspondence to the ordinary post. Alternative means of communication were not hard to find. It was always possible to forward letters through seamen and friends.[5] Only at times of emergency, as during Monmouth's rebellion, were the ports stopped and passengers searched.[6] When messages of unusual importance were sent, as during the weeks preceding Monmouth's invasion, special messengers

[1] "S. Trials," ix, 1333 *et seq.*

[2] Cal. S.P. Dom., 1671, 496; Airy, "Lauderdale Papers," i, 223. Lady Argyle sent cipher letters through the post to her exiled husband. She forwarded them to "Peter Harvie," "at one Mr. Brown's house a cider seller" in Bow Church Yard. "Peter Harvie" was the pseudonym of Colonel Holmes, who collected the letters and posted them to Holland ("State Trials," ix, 384). Matthews, one of Monmouth's agents in 1685, wrote his report "after the style of a merchant," and appended another letter in invisible ink (Grey, "Secret History," 110).

[3] Carr to Blathwayt, March 14, 1681; MS. Add. 37981, f. 10.

[4] Rutt, "Life of Calamy," i, 151.

[5] The masters of merchant vessels were often informed against (Cal. S.P. Dom., 1666/7, 429; S.P. Dom. Car., ii, 435, No. 72). In 1683, according to Bampfield and Everest, there were few of those trading with Holland who could have pleaded not guilty (S.P. For., Holland, 217, pp. 233, 241, 261, etc.; 218, p. 216, etc.). Letters addressed to the British exiles at Utrecht rarely passed through the local post office, but were collected at Amsterdam, doubtless from the seamen who touched at that port (Carr to Col. Worden, $\frac{\text{Nov. } 30}{\text{Dec. } 10}$, 1683; S.P. For., German States, 86, p. 172).

[6] Veitch and Brysson (1825), 292–3.

were employed. The correspondence between the Scotch Covenanters and their brethren in Leeuwarden, for example, was sometimes entrusted to the post, and sometimes to couriers of whom the unfortunate Gordon of Earlstoun is the best known.[1] In 1688 a small packet boat was used by William's friends for the transmission of despatches.[2]

As part of the secret service, the Post Office was not well staffed during the early months of the reign. No reflections were cast on Bishop's loyalty, but the accusation was made that his appointment had not been followed by the dismissal of Republicans and the substitution of Royalists. The Postmaster defended himself by pointing out that the old officials were retained because they alone possessed the necessary experience. In the autumn of 1662 a commission was appointed to examine this and other complaints. Bishop was dismissed and his successor ordered to employ members of the Church of England.[3]

The chief objection was the questionable loyalty of four or five members of the headquarters staff, not to mention the wickedness of employing "schismatical knaves" in provincial post-houses.[4] Among those employed in London was Cornelius Glover, a former servant of Hugh Peters, who had gained notoriety by appearing in court to prove that his master remained at home on the morning Charles I

[1] Howie. Shields, "Faithful Contendings" (1780), 66.

[2] D'Avaux (1755), iv, 182. The arrangements made by Ludlow for the safe conveyance of his mail were efficient, few of his letters being intercepted (e.g. Ludlow, ii, 484–5). They reached Ludlow by the ordinary post through Lyons and Geneva, enclosed in packets addressed to friends like Perrot, or to his landlords, Dubois and Binet. His money was often sent to a local banker named Lullien (Riordane's Correspondence; S.P. For., Switz., 6, pp. 251–4; *ibid.*, France, 117, pp. 222–3; 118, p. 243). The Channel by which his letters got to the Continent is not known, but during the latter part of his exile they were perhaps sent in the first place to Binet's brother in Paris (S.P. For., France, 141, pp. 289, 291). Sir Wm. Waller's letters were addressed to the bookseller, Widow Browning, in Amsterdam, and marked so that she could easily recognize them (*ibid.*, Holland, 217, pp. 197–8).

[3] *Ibid.*, 1661/2, 38, 55, 57, 92; 1663/4, 157; S.P. Dom. Car., ii, 40, No. 8.

[4] Cal. S.P. Dom., 1660/1, 428; 1661/2, 250.

was executed. In obedience to orders from Nicholas, Bishop dismissed him.[1] Others were Thomas Chapman, a Leveller; Thompson, an Anabaptist; Oxenbridge, "a constant sider with all changes and ever false to the King,"[2] and Dorislaus, upon whom many would have liked to visit the sins of that "wicked person," his father.[3]

Many of the Post Office clerks had been members of a republican club founded in 1657 by John Wildman. The club, which numbered Marten, Okey, Hasilrig, and Hacker among its eighty members, met at the sign of the "Nonsuch" in Bow Street, where Wildman had "set up" his servant, William Parker.[4] It was Wildman who was responsible for the tardiness in displacing the republican employees. He had considerable influence over Bishop, whom he had met as far back as 1655, when the future Postmaster was a Royalist agent treating with the army malcontents.[5] This intimacy had not been impaired by time, "the Postmaster (an honest gentleman)" being described in 1660 as "little better than the other's pupil."[6]

[1] Cal. S.P. Dom., 1660/1, 570; "State Trials," v, 1134.

[2] Probably the Clement Oxenbridge whom L'Estrange was assured in 1683 was "much employed in copying things for some eminent fanatics" (S.P. Dom. Car., ii, 427, No. 32).

[3] Cal. S.P. Dom., 1660/1, 409, 446, 570; 1661/2, 56, 71; S.P. Dom. Car., ii, 40, No. 8. Hyde, "The Post in Grant and Farm," pp. i *et seq.*, 47–8.

[4] S.P. Dom. Car., ii, 41, Nos. 30, 32. Parker was arrested with Wildman in Feb. 1655, but escaped to the Continent, returning to England with letters from the Leveller, Col. Sexby (Thurloe, iii, 172; vi, 829–33; vii, 98).

[5] Thurloe, i, 711; vi, 830; vii, 80, 93.

[6] S.P. Dom. Car., ii, 40, No. 8.

APPENDIX I

1660.

ACCOMPT OF MONEYS RECEIVED AND DISBURSED FOR INTELLIGENCE SINCE MIDSUMMER 1660 TILL OCTOBER 1662 (British Museum, Egerton MS. 2543, f. 115).

		£	s.	d.
	To the Spanish Courrier . . .	40	0	0
	To Wm. Doines upon the taking of Capt. Giffard. Nov. 23	1	0	0
	To the Porter that discovered White. Dec. 15	10	0	0
	Paid to Mr. Whitaker which he had given the same porter . . .		5	0
	Given to Mr. Whitaker by Yo^{r} Hon^{rs} Order	12	0	0
	To Capt. Lester to be distributed among his soldiers that apprehended Greenway. Dec. 21	5	0	0
	To the Hambourg Residents Serv^{n} that brought the present of Plate to Yo^{r} Hon^{r}. Dec. 24	2	0	0
	To Mr. Pestle by Yo^{r} Hon^{rs} Order. Dec. 26	10	0	0
	To the Postboy at Newyearstide . .		2	6
	To Mr. Pestle. Jan. 24	10	0	0
	Repaid to Mr. Whitaker as disbursed by him to one Capt. Peach and to the Postboy	1	5	0
	To Sir Will^{m} Laiton by Yo^{r} Hon^{rs} order. Mar. 18	5	0	0
	To Capt. Pestell. Mar. 29 . . .	20	0	0
	More to him Apr. 10	10	0	0
	To Mr. Huddleston by Yo^{r} Hon^{rs} Command. Apl. 2	10	0	0
	To Mr. Pestle. May the 21 . .	10	0	0
June 14	To Edw. Potter	2	0	0
July 16	To Geo. Welstead as by acquittance .	20	0	0

			£	s.	d.
Aug.	26	To Rich. Blome in part of the 12th. Yo^{r} Hon^{r} subscribed for his Booke of Arts and Sciences . . .	6	0	0
Sept.	2	To John Bradley as by acquittance .	10	0	0
,,	3	To Mons^{r} Van Ruven as by acquittance	100	0	0
,,	26	To Will^{m} Day	1	0	0
		To Wiltshire by Yo^{r} Hon^{rs} order .	20	0	0
			£305	12	6
Sept.	27	To Edw. Potter by Yo^{r} Hon^{rs} order .		10	0
Oct.	23	To Jos. Brinkes as by note . .	5	0	0
,,	27	To Capt. Allens Lieuten^{t} by Yo^{r} Hon^{rs} order	2	0	0
,,	29	To the Crabbes as by note (to Sir Wm. Darcy)	10	0	0
,,	31	To Sr Edw. Broughton as by note for Potter	5	0	0
		To Hemming for Post of Letters at severall times		5	0
		Gazettes from France for three months	1	10	0
Nov.	9	To Sr Edw. Broughton for E. Potter .	5	0	0
,,	13	To Sir Wm. Darcy for Wiltshire . .	20	0	0
		To Brinkes 4 weeks allowance ending Nov. the 20	4	0	0
Dec.	10	Given to E. Potter as by note . .	10	0	0
,,	13	To Sir Wm. Darcy for the Crabbes as by note	20	0	0
Jan.	11	To the French Courrier as by Yo^{r} Hon^{rs} order	30	0	0
,,	14	To the Foreign Postboy's boxe . .		5	0
,,	14	To Mr. Holder for intelligence by a third person	9	0	0
[Jan.]	20	To Edw. Potter as by note . .	10	0	0
Nov.	1	To the Crabbes, as by note . .	10	0	0
Jan.	26	To the English Letter Carryer for New Year's gift		4	0
Feb.	7	To Monsr. Lamborne for Gazzettes as by bill	9	7	6
		To Brinkes for his weekeley allowance from Nov. 20 till Feb. 5 . .	12	0	0

			£	s.	d.
Feb.	11	To Sr. Wm. Darcy for Wiltshire (as by note)	20	0	0
,,	27	To Edw. Potter by Yo^{r} Hono^{rs} order .	10	0	0
Mar.	29	To Pet. Crabbe as by note . . .	5	0	0
		To Brinkes from Feb. 5 till Ap. 9 .	11	0	0
Apl.	19	To Ed. Potter as by Bill . . .	5	0	0
,,	24	To Van Ruven by Sr Wm. Davidson .	100	0	0
,,	10	To Crabbe as by note. . . .	1	0	0
My.	10	To Edw. Potter as by note. . .	10	0	0
		To Monsr Chauran by order . .	150	0	0
,,	16	To Sr. Jo. Watts for apprehending Portman	10	0	0
			£486	1	6
May	12	To Sr. Wm. Darcy for the Crabbes .	10	0	0
,,	19	To Jo. Bradley as by note . . .	10	0	0
June	11	Repaid to Mr Edw. Nicholas which he had given to one Giffard . .	10	0	0
July	3	Given Mr Musgrave for intelligence at Carlisle	10	0	0
June	13	To Sr. Wm. Compton by Mr. Whitaker and repaid him	20	0	0
		To Harris the Constable that tooke Hugh Peters	2	0	0
Sept.	30	To Sr. Jo. Nicholas w^{ch} he had paid for taking Salway	10	0	0
		To Sr. Jo. Nicholas as laid out for taking Buffett.	1	10	0
Oct.	2	Returned to Mr Van Ruven . .	100	0	0
,,	6	For Gazzettes till Octob. 6 from Jan. 15th	5	5	6
,,	14	To Mr Geo. Nicholas which he had given Bradley	10	0	0
		1st Page	305	12	6
		2nd Page . . .	486	1	6
		3rd Page . . .	188	15	6
		In all	980	9	6
		Lent Yo^{r} Hono^{r} . . .	500	0	0
		So laid out in all . . .	1480	9	6

	£	s.	d.
Received allowances for one year and three quarters ending March 25, 1662	1312	10	0
Laid out Mon^{e} to Mr Betbey by Y^{r} Hono^{rs} order	10	0	0
Rests due to Y^{re} Accomptant . .	177	19	6

Endorsed "Mr. Williamson's Amt. for Intellig^{n} money."

APPENDIX II

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W. A. Shaw. Calendar of Treasury Books. 1660–89.
J. Thurloe. State Papers. 7 vols., 1742.

B. Manuscripts

(1) Public Record Office.

(*a*) *Domestic State Papers.*

It is frequently necessary to consult the originals of many of the calendared papers while the uncalendared papers for the reigns of Charles II and James II are still numerous.

(*b*) *Foreign State Papers.*

These volumes contain a large number of reports and despatches from ambassadors and spies. Those used here include Holland (vols. 167 *et seq.*), France (vols. 117 *et seq.*), Flanders (vols. 35 *et seq.*), Hamburgh and the Hanse Towns (vols. 10 and 11), Switzerland (vol. 6), the German States (vol. 86), and the corresponding Entry Books.

(*c*) Carte Transcripts (vols. 31 *et seq.*).

(*d*) Baschet Transcripts (vols. 107 *et seq.*).

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THE POLWARTH PAPERS

A Commentary upon the Historical Manuscripts Commissions Report (1911–1931)

By Sir Richard Lodge, LL.D., Litt.D.

Read 8 *October*, 1932

Alexander Hume-Campbell, Lord Polwarth, the third son and subsequently the successor of the first Earl of Marchmont, belonged to a family which had earned Whig patronage by sufferings in the Whig cause under the later Stewarts. Like many other ambitious politicians, he began his public career in diplomacy. He was sent to Copenhagen in 1716 as Minister Plenipotentiary, and was later raised to the rank of Ambassador. He remained at the Danish capital, without any leave of absence, till 1721, and took an active part in bringing about the reconciliation of Denmark with Sweden, which was one of the most difficult tasks undertaken by British diplomacy in its endeavour to put an end to the long war in Northern Europe. After a short period of leave at home, he was sent to the Congress of Cambray as joint British plenipotentiary with Lord Whitworth. In accordance with the extraordinary custom that prevailed in those days, he carried away with him the official and private letters, both originals and copies, which he had amassed during his two missions. These papers were for a long time stored at the family home, Mertoun House in Berwickshire, but have recently and very properly been transferred to H.M. Register House in Edinburgh. The Historical Manuscripts Commission have issued three volumes of these valuable papers under the editorship of the Rev. Henry Paton. The first volume appeared in 1911, the second in 1916, and the third in 1931. It is understood that two more

volumes are to be published. Of those already issued, the first two and some sixty pages of the third volume cover Lord Polwarth's mission to Denmark. The greater part of the third volume deals with the opening months at Cambray.

The first volume is concerned with the period from Polwarth's arrival at Copenhagen at the end of July, 1716, down to Charles XII's death in December, 1718. Before Polwarth set out, the coalition against Sweden, formed after the battle of Pultava by Russia, Saxony and Denmark, and reinforced after the conclusion of the Spanish Succession War by the interested adhesion of Prussia and Hanover, had accomplished its immediate tasks. Stanislas Leczinski, the Swedish nominee, had been driven from Poland; Sweden had been deprived of all the German territories assigned to her in the Treaty of Westphalia; and Peter the Great was in occupation of the eastern provinces, which had been for a century the granary of Sweden. The Danes were in possession of Sleswick, large part of which belonged of right to Charles Frederick of Holstein-Gottorp, who was Charles XII's nephew and possible successor. The Swedish King had returned from his prolonged exile too late to save his two remaining strongholds in the Empire, Stralsund and Wismar. As so often happens, success was followed by a disruption of the coalition. The quarrel would have occurred anyhow over the division of the spoil, but a more immediate occasion was supplied by the quartering of Russian troops, after the close of the campaign, in the Duchy of Mecklenburg, and by the marriage of the Duke of Mecklenburg to a niece of Peter the Great. This virtual Russian occupation of an adjacent province was bitterly resented by Hanover, and George I demanded the prompt evacuation of Mecklenburg, which the Tsar refused. From this moment the coalition began to split into two groups, the one adhering to Russia and the other to Hanover. At the outset the Russian group seemed likely to be the stronger of the two. Augustus II of Saxony, content with his

recovery of the Polish throne, had withdrawn from active participation in the war, and was not likely to take sides in the Mecklenburg dispute. But Frederick William of Prussia, who was still an important belligerent, had never been on good terms with his father-in-law, George I, and was at this time closely allied with the Tsar. Thus Hanover could only escape the perils of isolation by securing the adhesion of Denmark, and Denmark was not likely to be gained unless the naval and the pecuniary resources of Great Britain could be enlisted in support of the Electorate. This was the situation when Polwarth went to Copenhagen.

It must be remembered that Great Britain was never a member of the anti-Swedish coalition, and that her position with regard to the northern war that of a neutral power. So far as she was connected by treaty with any belligerent, it was with Sweden. The defensive treaty concluded with that state in 1700 was still unexpired, and by the letter of that treaty Charles XII was entitled to call for British aid against his assailants. But, as long as the War of the Spanish Succession lasted, that demand had been evaded, and from the moment that George I ascended the throne, compliance became impossible. The Elector of Hanover was in occupation of Bremen and Verden, his possession of those provinces was guaranteed by electoral treaties with Prussia and Denmark, and he was at open war with Sweden, from whom the duchies had been wrested. It was inconceivable that British forces should be employed to recover Swedish territories from an Elector of Hanover who was also a British King. In addition Charles XII had exasperated the mercantile classes in Britain by his high-handed treatment of neutral shipping, which threatened to cut off their all-important trade with the ports of the eastern Baltic. It had been found necessary to send a squadron to the Baltic to protect merchant ships from Swedish privateers, and incidentally that squadron had served the interests of the coalition by impeding the sending of relief to Stralsund. Charles XII was not without reason when he denounced

the conduct of Great Britain as that of an enemy rather than of a neutral state.

As regards the Mecklenburg quarrel, England seemed to be far less concerned than in the northern war. On the other hand it could be contended that it was a British interest to maintain a balance of power in the Baltic, that this balance was threatened by the growing predominance of Russia, and that the national security would be endangered if Russia was allowed to retain mastery of those Baltic provinces from which we drew our supplies of timber and all sorts of naval stores. For these reasons British ministers could justify the taking of measures to support Hanover and to prevent Denmark, which commanded the two entrances to the Baltic, the Sound and the Belts, from joining with Russia and Prussia.

This task, to bring about the severance of Denmark from Russia and Prussia and the adhesion of that state to Hanover, was entrusted in 1716 to the joint efforts of Polwarth and General Bothmer, the latter being the Hanoverian envoy at the Danish Court, and their efforts to do this form the principal topic in the first volume of the Polwarth Papers. It cannot be said that they achieved any marked success. To the end of 1718 Frederick IV vacillated between the two jarring groups of allies. He was mortally afraid of irritating the Tsar and the Prussian king, who were formidable neighbours, and, though he clung to the protection of the British naval squadron, he complained that it was an inadequate defence against Russian and Prussian troops. Polwarth could probably have combated these fears more successfully if he had been authorized, as the Hanoverians desired, to promise subsidies to Denmark. But the British ministers dared not risk having to defend in the House of Commons an expenditure which could be denounced as incurred in Electoral rather than in British interests.

The main interest of this volume, however, lies, not so much in the light which it throws upon the tangled politics of the northern states, though this is considerable, but in

its revelation of the extraordinary preponderance of Hanoverian influence in directing British policy down to the end of 1718. By far the most important letters in this period are those which were interchanged between Polwarth and Jean Robethon, the French Huguenot, who had been for several years the confidential Secretary of George I as Elector of Hanover, whose office was in the German Chancery at St. James's, and who possessed a knowledge of continental and especially of northern affairs to which no British politician could pretend. Robethon sends to the British envoy advice which is hardly to be distinguished from instructions, and communicates to him confidential information, which should normally have come only from a Secretary of State. And to Robethon Polwarth sends those revealing confidential letters which in normal circumstances should have been the supplement to his official correspondence with his superior at Whitehall. Also it is to Robethon that he addresses in the first place his rather frequent requests for favours from the British Government, such as the Green Ribbon of the Thistle or a British Peerage for himself, and a place among the representative Peers of Scotland for his father. Still more astonishing is the apparent fact that this correspondence was not concealed from or resented by the British ministers. On the contrary Robethon showed Polwarth's letters both to King and ministers, and frequently comments upon the impression that they made. There can be no doubt that Robethon held for a few years a unique position in England, that he enjoyed the confidence not only of Bernstorff, the resident Hanoverian minister, but also of Sunderland and Stanhope, and that he had a hand both on the rudder of British foreign policy and in the bestowal of British patronage.

The second volume, covering the events of 1719 and 1720, is far more interesting than its predecessor. Hanoverian influence becomes less predominant, or at any rate less conspicuous. Robethon's letters to Polwarth, though still frequent and friendly, are far less revealing. The

dominant figures in the correspondence are now Stanhope and Carteret, and their letters in this volume are of substantial value. Stanhope, now that Townshend has ceased to be his colleague, is supreme at the Foreign Office, as Bolingbroke, Marlborough and William III had been before him. There can be no doubt that for a time Stanhope's gaze was fixed rather upon events in southern Europe than upon those of the north, and that his northern policy was largely guided by British interests and alliances in the south. It was only when the southern matters were comparatively settled and his hands were free that he was able to direct his full attention to the adjustment of the affairs of the Baltic states. The interplay of southern and northern politics at this time has been frequently obscured by the historian's habit of separate narration, but it was fully apparent to contemporaries, and the frequent references to it in these letters should be carefully noted. The great disturbing force in the south was Spain under the guidance of Elizabeth Farnese and her compatriot minister, Alberoni. In 1717, taking advantage of Charles VI's absorption in the Turkish war, they had sent an expeditionary force to take possession of Sardinia, and in the next year they undertook the conquest of Sicily. It was clear that their aim was, not only to secure the succession in Parma and Tuscany for Elizabeth's son, Don Carlos, but also to expel the Habsburgs and the House of Savoy from the Italian provinces which had in the last century belonged to Spain. If they were successful, they would destroy one of the bases of the European settlement made at Utrecht. It was Stanhope's task to defeat their enterprise. He had a weapon to his hand in the Triple Alliance, which in January, 1717, had secured the co-operation of France under the Regent Orleans with the Maritime Powers. In order to ensure success in coercing Spain, it was necessary to induce the Emperor to abandon the Turkish war and to join the three western powers. Stanhope's greatest diplomatic triumph was achieved when Austria concluded the Treaty of Passarowitz

in July, 1718, and joined in the Quadruple Alliance in the following month. The only remaining drawback was the continuance of the northern war, on which Alberoni based his last hopes. As long as Charles XII lived, his obstinate refusal to make concessions to his enemies, his resolute enforcement of his maritime edicts, and his real or supposed championship of the Jacobite cause, made it impossible for Great Britain to adjust harmonious relations with Sweden. His death altered the whole situation. From the moment that the succession was settled by the rejection of the Holstein claim, and by the accession of Ulrica Eleanor to an elective throne and a shackled prerogative, George I and Stanhope set themselves to terminate the northern war in the only possible way, by inducing Sweden to buy off some at least of her enemies.

The task which they undertook was full of complications. That peace must be made, and made without delay, was admitted by the new Swedish government. There were two active enemies, Russia and Denmark. Both these states sent expeditions against Sweden in 1719; Russia sending a raiding force which ravaged and burned villages within striking distance of Stockholm, while the Danish fleet cruised off the south-western coast, and seized the port of Marstrand, near Gothenburg. Sweden dreaded Russia more than Denmark, but hated Denmark, as an old and persistent enemy, more than Russia.[1] There was a powerful party in Sweden, largely identical with the supporters of the Duke of Holstein, which advocated coming to terms with Russia, partly because the Tsar was the most formidable enemy, partly because Peter would aid Sweden to recover her German provinces and would restore his lost territories to the Duke of Holstein,

[1] The Danes equally hated the Swedes. Polwarth writes to Sunderland on 30 September, 1719, "There is such an inveterate enmity betwixt this Kingdom and Sweden that I am persuaded that most people here would have been extreamly well pleased that the Czar had entirely ruined it even at the hazard of making himself master of the greatest part of that Kingdom" (Vol. II, p. 314). It was this mutual animosity which made the task of Carteret and Polwarth, and especially of the latter, so difficult.

and partly for the odd reason that cessions to Russia would be more easily recovered in the future than those made to other powers.[1] On the other hand, the new Queen and many of her advisers were in favour of a settlement with Hanover, even at the cost of Bremen and Verden, in the expectation that Great Britain, appeased by this cession to the Electorate, would send a fleet to protect Sweden against Russia, would moderate the demands of Denmark and Prussia, and would ultimately aid them to recover from the Tsar those eastern provinces which were really more necessary and less burdensome than the German possessions. They were resolutely hostile to any surrender to the Tsar, whose ascendancy would be fatal to Swedish independence, and who might insist upon the recognition of the Duke of Holstein's right to the succession, or possibly upon his immediate right to the occupancy of the throne.

Stanhope's policy was perfectly clear. The primary need was peace in the north. If, for comprehensible reasons, Sweden sought that peace by a reconciliation with Russia, that would be better than a prolongation of the war.[2] But he obviously preferred that the pro-British party should prevail at Stockholm, that the first act of Sweden should be the buying off of Hanover, and that Britain should mediate peace between Sweden on the one side, and Prussia,

[1] On 21 July, 1719, Polwarth wrote to Robethon that Count Bielke, the Austrian diplomatist, who had just left Sweden, declared that the Swedes "looked upon themselves to be masters of what they gave up to the Czar, and that they could recover it when they pleased, for that the rest of Europe, especially the English and Dutch, could not peaceably look on and see the Czar grow so great in the Baltick; but what was given up, on the other side, in the German provinces, they reckoned intirely lost and irrecoverable" (Vol. II, p. 321). Stanhope, in an important letter to Carteret of 22 July (o.s.), alludes as a reason for expecting the Swedes to come to terms with Russia, to "a certain way of reasoning, which I have often heard from them, as if they think it much more probable to recover in time what they shall part to the Czar than what they shall give up in Germany" (*ibid.*, p. 237). This letter of Stanhope is also printed in *Diplomatic Instructions*, Vol. I, Sweden, p. 113.

[2] See Stanhope's letter to Carteret of 22 July, quoted above, in which he says that, if Sweden prefers peace with Russia, "His Majesty will equally contribute his best offices to save them that way."

Saxony, and Denmark on the other. If this could be done, Russia would be left completely isolated, and would have to surrender at any rate a large part of the Baltic provinces. Such a settlement would enormously increase British prestige, would restore the balance of power in northern Europe, and would immensely strengthen his hands in dealing with the Austro-Spanish difficulties in the south. But this simultaneous regard for southern matters imposed one important limitation on Stanhope's freedom of action. The keystone of the Triple and Quadruple Alliances was the co-operation between Great Britain and France. That co-operation could not be limited to the south, but must be extended to the north, where France had often in the past exerted a dominant influence. Hence France must be admitted to a joint mediation in any Baltic settlement, and this was not likely to make Stanhope's task more simple or easy. British and French interests, though for the moment sufficiently identical, were always apt to deviate at critical moments, and behind all slight or important divergences of opinion or interest lay the crucial question, constantly asked in both countries, as to which was the predominant partner.

As to the shape which the settlement should take, Stanhope was partially bound by the treaties which Hanover had made in 1715. If these were carried out, Hanover would have secure tenure of Bremen and Verden, a *sine qua non.* Prussia would have Stettin and the adjacent part of Swedish Pomerania. Denmark would have Sleswick, which was not taken from Sweden, and, as her share of the Swedish spoils, Stralsund and Rügen with the rest of Swedish Pomerania. Saxony would have to be content with the recognition of Augustus II's title in Poland and the abandonment by Sweden of the cause of Stanislas Leczinski. Such a settlement, unless accompanied by a very substantial retrocession in the eastern Baltic on the part of Russia, was open to serious objections. It would unduly weaken Sweden, and Stanhope wished for a reasonably strong Sweden in order to counterbalance Russia. It would deprive Sweden of all

her gains in the Treaty of Westphalia, and France, a guarantor of that treaty and a traditional patron of Sweden for the last century, was not likely to consent to such wholesale spoliation. And the most serious objection of all was that it left out of account the suzerainty of the Emperor. These German provinces that were being dealt with were all imperial fiefs, and their transfer required imperial sanction. As long ago as 1712 Charles VI had claimed the right to settle all these disputes in northern Germany, and had convened a Congress at Brunswick at which he was to act as arbiter. To determine the fate of these provinces by a series of treaties without even consulting the Emperor would be regarded at Vienna as an outrage. And it was a tradition at Hanover, only recently raised to electoral rank, to show gratitude by punctilious respect to the suzerain power. Stanhope himself was under obligations to Charles VI for his treaty with the Turks and his adhesion to the Quadruple Alliance. It would not facilitate a settlement in the south if the Emperor was alienated by the conduct of Great Britain and Hanover in the north. And it was very doubtful whether the Hanoverian ministers would consent to a flagrant disregard of imperial authority. On the other hand the forms of imperial procedure were proverbially elaborate and dilatory, and to refer everything to the Congress of Brunswick meant an intolerable postponement of peace in the north.

That George I and Stanhope—I couple them together, for on the whole they worked in harmony in spite of Hanoverian opposition—were able to carry through a great part of their programme with only slight alterations in details, was due in large measure to their selection of an agent to guide the threads of diplomacy in what was necessarily the centre of the web, the Court of Stockholm. Their choice fell upon the ablest of rising Whig politicians, John Lord Carteret, who was at the time about thirty years of age. Carteret arrived at Stockholm on 11 July, 1719. His instructions were to promote the negotiation between Han-

over and Sweden, which had already begun, to renew the treaty of 1700 between Sweden and England upon terms suited to the altered circumstances, and to bring about, by joint British and French mediation, with a reservation of that of the Emperor, Swedish treaties with Prussia, Denmark, and Poland. It is difficult without reading the contemporary letters, to realize how complicated was the task entrusted to him. The simultaneous but unconcerted attacks by Russians and Danes took place at the time of his arrival, and Sweden was unable to offer a successful resistance to either. If the Swedes were impelled by fear to come to terms with either enemy, it was certain that they would choose Russia, which was precisely what Carteret desired to avert. He had to deal with an exhausted state, with an oligarchical government only recently established, and with a newly ascended Queen and her Hessian consort, neither possessing any strong hold upon public opinion, which had been inclined to favour the rival claimant, Charles Frederick of Holstein-Gottorp. On this insecure and divided government he had to impose sacrifices which would increase its insecurity by alienating patriotic pride. On the other hand he had some things in his favour. George I and Stanhope were both at Hanover, so that communication was easier and more rapid than if problems had to be referred to England. Sweden was in urgent need of money, so that he could disguise cessions of territory under the guise of sales, and could contend that their loss was compensated by a diminution of expense. Swedish politicians were notoriously corrupt, and Carteret brought with him supplies of money for their gratification. Stanhope was far more lavish in this respect than ministers like Walpole and Henry Pelham who came after him. Carteret had also the prospect of French backing, and France, the most liberal spender for such purposes, could be trusted to send more bribes for individuals, and possibly to promise subsidies for the state. But the strongest card in Carteret's hand was the naval squadron under Sir John Norris, which was lying off Copen-

hagen. Unfortunately he was unable to play this card as promptly as he wished. If Norris would bring his ships up the Baltic, join the Swedish fleet, and sink the Russian galleys, Carteret would be master of the situation. But Norris was a cautious man. His squadron was not a large one, he was waiting for additional ships, and he had to keep an eye on Denmark. Polwarth and Bothmer had failed to induce the Danes to come to terms with England and Hanover, or to risk an open breach with Russia. Frederick IV still held out for subsidies, and Stanhope now openly declared at Hanover that he would not "give subsidies to help the Danes to sink the Swedes." [1] If the British fleet should join that of Sweden, and thus openly champion the Swedish cause, Denmark, still waging war against Sweden, might be impelled to join Russia. Against the combined naval forces of Russia and Denmark, Norris feared possible disaster, and a naval defeat at this juncture would be fatal to British policy both in the north and in the south. Even if defeat was averted, Denmark could block the exit through the Sound by removing the buoys, and the British squadron would either be trapped in the Baltic, or would have to escape through the Belts, a passage of which they had no knowledge.[2] In order to pacify Denmark it was necessary for British ministers to give a virtual assurance that they would demand from Sweden the cession of Stralsund and Rügen, though it was known that the Swedes would never consent to such a cession, and that it would be vetoed both by France and by the Emperor. In the end, the British squadron sailed up the Baltic, but too late to catch the Russians, who had retreated to their own harbours.

The second volume of the Polwarth Papers deals almost as fully with Carteret's diplomacy at Stockholm as with Polwarth's own doings at Copenhagen, but it is impossible to tell the story in detail. There can be no doubt that, in

[1] Robethon from Hanover to Polwarth, 1 August, 1719, in Vol. II, p. 235.

[2] See Norris to Stanhope, 7/18 August, 1719, in Vol. II, p. 262.

view of the difficulties and judged by the standard of those days, Carteret's successes were startlingly rapid. His assurance of British support enabled Bassewitz, the Hanoverian envoy, to obtain on 22 July the preliminary treaty which gave Bremen and Verden to George I on payment of a million crowns. A greater and more personal triumph was the conclusion of the preliminary Anglo-Swedish treaty on 29 August which, in addition to its provisions for mutual defence, stipulated that Stettin with the part of Pomerania between the Oder and the Peene should be ceded to Prussia. This was necessary because on 14 August [1] an Anglo-Prussian treaty had been signed at Berlin by which Great Britain guaranteed this cession. This treaty, negotiated by Charles Whitworth, was extremely gratifying to George I and Stanhope, because it severed Prussia from the Tsar, and left the latter isolated, unless he could at the last moment gain the support of Denmark. Sweden's consent was extorted by the overwhelming argument that, in view of the guarantee given not only by Britain but also by France, the recovery of Stettin was impossible, and therefore it was better to take the two million crowns offered by Prussia than to lose the territory for nothing.

These agreements of Sweden with Hanover and Great Britain were only "preliminary treaties," because at the time it was proposed, as the Hanoverian ministers desired, to refer the final settlement to imperial mediation at Brunswick. It was practically settled that Polwarth and Whitworth should be the British plenipotentiaries at the projected Congress. But, in the end, it was decided, in spite of the protests of Bernstorff and his colleagues, and in deference to pressure from France and from Berlin, to convert these into definitive treaties and to adjust the final terms between

[1] The treaty, though actually signed on 14 August, was antedated to 4 August, in order to conceal the fact that it was concluded after the Hanoverian treaty, which made no reference to Stettin, had reached Berlin. Professor Basil Williams, in his admirable monograph on *Stanhope* (p. 373), says that this piece of sharp practice was suggested by Stanhope, and denounces it as "a blot on English diplomacy."

Sweden and Prussia. The requisite negotiations took place at Stockholm, where Carteret had now been reinforced by the arrival of a French envoy, Campredon, with the additional bribes of French money and French guarantees. There was no insuperable difficulty in the way, though there were endless discussions as to details. The last of these treaties, that with Prussia, was adjusted at Stockholm, on 1 February, 1720. At the final moment the Prussian envoy, Knyphausen, refused to sign on account of a trifling dispute, but Carteret took the responsibility of accepting the Swedish signature, and sent the treaty to Berlin, where Whitworth, a very capable diplomatist, induced Frederick William to accept it. These successes of Anglo-French diplomacy in the north immensely strengthened the hands of the two powers in the southern disputes. Alberoni was dismissed in December, 1719, and in the following January Spain submitted to the terms dictated by the Quadruple Alliance. Austria got Sicily in exchange for Sardinia, which was transferred with the royal title to Victor Amadeus, while Don Carlos was recognized as eventual successor in Tuscany and Parma, and his succession was to be assured by the admission of neutral garrisons to the two duchies.

Meanwhile through all the northern negotiations loomed the difficulties created by the obstinacy of Denmark. As long as the Danes continued to carry on war against Sweden, the pacification of the north was impossible, and no steps could be taken to coerce or intimidate Peter the Great, which was the basic understanding upon which all these Swedish treaties really rested. To complete Stanhope's work it was necessary to induce Sweden and Denmark to accept British and also French mediation, and then for Britain, as the principal mediator, to reduce the incompatible Swedish and Danish demands to a reasonable compromise. This task, in many ways far more difficult than the other negotiations, was entrusted to the joint efforts of Carteret and Polwarth, and the story of their co-operation fills the major part of the second volume.

Their direct correspondence with each other, printed in full for the first time, is a really important contribution to historical knowledge. It is possible to follow in their letters the sort of Dutch auction, in which each envoy announced to his colleague the successive lowerings of his Court's demands until something like a fair bargain had been reached. It is impossible here to trace the transaction in detail, though it has a certain dramatic interest in the actual letters. On the whole Polwarth had the harder task of the two, because the Danish demands were the more extreme and therefore required the greater reduction. He complained to Robethon that, unlike Carteret, he was expected to make bricks without straw, and Stanhope promptly sent him the needed straw in the shape of permission to spend four or even five thousand pounds among the Danish ministers. But the Danes were less easily bribed than the Swedes,[1] and it was fortunate that Polwarth had stronger arguments at his disposal. The most important Danish acquisition in the war was the duchy of Sleswick, from which the duke of Holstein had been expelled. The Holstein claim was really serious, because it might be supported, not only by Sweden, but also by the Emperor and the Tsar. Frederick IV was therefore eager to obtain adequate guarantees for his retention of the duchy. He had obtained such guarantees from Hanover and Prussia in 1715, but these were not sufficient by themselves, and it was not certain that these treaties still held good. It was the offer of a British guarantee which enabled Polwarth to gain his first notable success when on 30 October, 1719, the Danish King signed a convention by which he accepted British mediation and agreed to an armistice and complete freedom of trade for six months. The guarantee was adroitly made con-

[1] On the ratification of the Convention of 30 October, 1719, Polwarth sent 5,000 dollars to two of the Danish ministers, and 3,000 to two others. He was rather disconcerted when all four returned the money on the ground that they had done nothing to earn it. Polwarth, in reporting this to Stanhope, adds that "this is the part of negotiating I like least." Polwarth to Stanhope, 12 December, 1719 (Vol. II, p. 395).

ditional on the conclusion of a treaty within the period. This convention was a substantial gain, because it marked the first definite breach between Denmark and Russia.

As Sweden also agreed to an armistice and to British mediation, it seemed that the way was opened for the sending of a Danish plenipotentiary to Stockholm in order to open direct negotiations. As a matter of fact five months of the armistice elapsed before this step was taken. The first difficulty was the British proposal of the joint mediation of France. Sweden, confident of French support, readily accepted it, but the Danes, for the same reason, were inclined to resent French intervention.[1] Polwarth had to calm them by insisting upon the value of a French guarantee of Sleswick, which he assured them, on Stanhope's authority, would accompany the conclusion of peace.[2] The assurance was a bold one, as in fact France was very reluctant to give the guarantee, but this did not transpire till after the treaty had been made. The subsequent delays were partly due to the bitter enmity between the two states, to the choice of a Danish plenipotentiary who was distasteful to the Swedes, and also to deliberate procrastination on the part of Carteret, who wished to get the negotiation with Prussia out of the way before he tackled the more difficult problems of the Danish treaty. At one moment he thought of shirking it altogether, and leaving Polwarth to settle terms at Copenhagen, but in the end he was induced to stay and complete the work at Stockholm. It is quite possible that, if he had gone, the negotiation would have broken down.

The Danes were extremely difficult to deal with. In their eyes Sweden was a defeated power, which was extremely fortunate to escape complete ruin. Hence their original

[1] See Protocol of a Conference between Polwarth and the Danish ministers on 31 October, of which an abstract is given in Vol. II, p. 358.

[2] On 29 October, 1719, Stanhope sent to Polwarth an extract from a letter in which he had assured Carteret that "M. de Campredon will act conjointly with you as mediator, offering on his side the guarantee of Sleswick to the King of Denmark should the peace be concluded with Sweden" (*ibid.*, p. 354).

demands were, not only for the retention of Stralsund and Rügen, but also for the cession of Marstrand and the restoration of a great part of those territories north of the Sound which had once belonged to Denmark. As a victorious power, they considered that they were entitled to some share in the spoils of Sweden, in addition to Sleswick.[1] They also insisted that Sweden should pay the same Sound dues as were paid by the ships of other states. These demands were rightly denounced by the mediating states as excessive, and were not even communicated in their entirety to Sweden. The first concession extracted was with regard to Stralsund and Rügen, which Stanhope had at the outset intended to leave in Danish hands, as had been guaranteed by Hanover in 1715.[2] But France made it a condition *sine qua non* that Sweden must retain some foothold in the Empire,[3] and therefore, as Hanover had taken Bremen and Verden and Prussia had the promise of Stettin, Sweden must recover Stralsund and Rügen. Stanhope on this point yielded to his indispensable ally, and Denmark, when accepting British mediation, agreed to give up her share in Pomerania for some undefined compensation. The intervening months before direct negotiations began at Stockholm at the end of March, 1720, were mostly spent by Polwarth in cutting down the other Danish demands. Both England and France were determined to resist any diminution of what they regarded as genuine Swedish terri-

[1] Polwarth to Carteret, 15 October, 1719: "The Danes are not to be persuaded but in the present condition of Sweden it ought to yield them something. They look upon Sleswig as what the Swedes have no concern in, and a sum of money for Pomerania and Rügen as of no consequence."

[2] In Stanhope's letter to Carteret of 22 July (o.s.), 1719, he says: "His Majesty has all along wished that Denmark might have been made easy by the cession of Rügen and Stralsund, having ever been apprehensive . . . that, being disappointed of that expectation, they would join the Czar" (Vol. II, p. 236; *Diplomatic Instructions*, Vol. I, Sweden, p. 113).

[3] The strongest expression of French views on this subject is to be found in a letter from Dubois to Campredon, which is quoted in J. F. Chance, *George I and the Northern War*, p. 386.

tory. Therefore Frederick IV must abandon all hope of keeping Marstrand or of regaining Helsingborg or any other lands on the other side of the Sound. Also, for the same reason he must take his compensation for Stralsund and Rügen in money and not in territory. It is doubtful whether the Danish King would have given way so far but for the Holstein threat to the security of Sleswick. The dispossessed duke was appealing with some success to Vienna and St. Petersburg. There were already rumours that the Tsar would give him the hand of his elder daughter, so that either he or his descendants might come to the Russian throne. The Emperor, freed from his southern war by the surrender of Spain, was beginning to insist upon justice being done to the disinherited exile.[1] It was more important to keep Sleswick than to put forward impossible claims to more distant provinces. Polwarth's supreme argument was that the British guarantee would expire with the close of the armistice, and that no permanent British or French guarantee could be gained unless peace was made within the time limit. Meanwhile the only substantial concession which Carteret had to extort from Sweden was an undertaking to pay the Sound dues.

The result of this rather one-sided mediation was that the main outline of the treaty was complete by the time that the Danish plenipotentiary at last came to Stockholm. The one unsettled matter of importance was the amount which Sweden was to pay for the redemption of Stralsund and Rügen. On this the haggling was prolonged. Denmark demanded a million crowns; Sweden, accustomed in its previous treaties to receive rather than to pay money, offered 300,000. The armistice expired on 30 April before any settlement could be arrived at, and had to be prolonged. The Danes lowered their demand to 800,000 crowns, and the Swedes raised their offer to 500,000. There seems to have been an expectation on both sides that Great Britain would

[1] See his Rescript to the Kings of Great Britain and Prussia on 9 November, 1719, in Vol. II, p. 365.

pay the difference rather than lose the treaty, but for once Stanhope had to tighten the purse strings. In the end Carteret had to carry matters with a high hand. He raised the Swedish offer to 600,000 crowns and made it an ultimatum. Sweden signed the treaty on this basis. As the Danish envoy refused to sign, Carteret accepted the Swedish signature as binding, and in person carried the treaty to Denmark, where in conjunction with Polwarth he extorted the consent of the Danish King on 3 July. It was now necessary to obtain from the French Regent the ratification of the guarantee of Sleswick, and it was only after considerable delay and under pressure from London that this was granted.

After the conclusion of the treaty between Sweden and Denmark, the interest and importance of the Polwarth Papers sensibly decline. Carteret returned to England to be rewarded a little later with the office of Secretary of State. Polwarth stayed on at Copenhagen until after the arrival of his successor, but he could accomplish nothing more. The epilogue of the drama of northern settlement was as disappointing to Great Britain as it was to Sweden. The projected coalition against Russia was never formed. In 1721 Peter the Great triumphantly dictated the Treaty of Nystad to an isolated Sweden, and England, paralysed by a financial crisis and by ministerial changes, could only look on in impotence. Carteret and Polwarth were inclined at one moment to complain that absence from home prevented them from making a fortune in South Sea shares.[1] They had good reason to congratulate themselves later that they escaped the losses that befel their relatives and friends.

As the affairs of the north were settled without imperial intervention, there was no need to send Polwarth to Brunswick, as had been proposed. But another Congress was

[1] Professor Basil Williams (*Stanhope*, p. 436), says that "Carteret took up shares to the tune of £12,000." But Robethon, writing to Polwarth, expressly includes Carteret among those who were prevented by residence abroad from sharing in the profitable speculation, from which he (Robethon) expected to make £10,000 (II, p. 582).

convened at Cambray to settle certain problems which had been left unsolved when Spain accepted the terms of the Quadruple Alliance. Polwarth was sent to Cambray as joint plenipotentiary with Whitworth, and arrived there on 25 March, 1722. Carteret, who had been his colleague in Scandinavia, was now his immediate superior as Secretary of State for the Southern department. Whitworth did not join him until 15 October, and it was in the latter month that the Congress nominally began to function. The principal disputants were the Emperor on one side and the King of Spain on the other. France and Great Britain were joint mediators, and the questions at issue were connected with the succession in Parma and Tuscany on the extinction of the ruling houses of Farnese and Medici. The Emperor had promised to Don Carlos eventual investiture in the two duchies as imperial fiefs. Spain insisted that, before any other business was done, the expectative decrees of investiture should be handed over. These decrees had to be sanctioned by the imperial diet at Ratisbon. Then the wording had to be carefully scrutinized and amended in order to ensure that it contained nothing inconsistent with the dignity of an Infant of Spain.[1] All this took more than a year, and the last letter in the third volume, dated 10 January, 1724, says, "We expect every minute the Act of Investiture of Tuscany and Parma in favour of Don Carlos, in order to open the Congress." During the nineteen months that had elapsed since Polwarth's arrival at Cambray, the plenipotentiaries had been, in the words of an Austrian colleague, "fantomes a-doing nothing."[2] The letters in Volume III are worth reading, because they contain

[1] W. Stanhope to Carteret, 14 December, 1722 (Vol. III, p. 211). Sir Luke Schaub, writing from Paris to St. Saphorin at Vienna on 18 November, 1722 (*ibid.*, p. 194), gives as one reason for the exasperation of Philip V against the Emperor, "the extreme repugnance which he feels to have his sons vassals, that is in his opinion slaves of the Emperor." Schaub wrote in French, but the quotation is from the editor's translation.

[2] Polwarth to Whitworth and Schaub, 2 October, 1722 (Vol. III, p. 175).

many instructive references to contemporary events, and there are some interesting entries in the extracts from Lord Polwarth's diary which the editor has inserted in the form of foot-notes. But, as a record of a European Congress, the volume mainly testifies to the immense capacity of eighteenth-century diplomacy for wasting time.

The editing of these volumes invites some comment. Mr. Paton had before him both the official letters which Polwarth wrote and received, and also his more private correspondence. From the printed volumes he professes to omit all the official dispatches, which may be read in the Public Record Office, and he gives under the appropriate dates very convenient references to the volumes of State Papers in which these dispatches are to be found. The reason which he gives for the omission of these papers is that "it is expected they will be ultimately printed" (I, p. vii). This is a very sanguine expectation, and the real reason is that the Historical Manuscripts Commission only undertakes to print documents from private collections, and not those which can be found in public institutions. This is a very defensible policy, but it is to be regretted that it has to be applied to diplomatic records. The private letters can only be fully understood when they are read in conjunction with the office letters, to which they are usually supplementary. This can be done by a reader when he consults one of the great collections of diplomatic correspondence, such as the Robinson Papers, or the Hyndford or Mitchell Papers, in the British Museum. It would be an inestimable boon if these letters could be printed together. As it is, the student who wishes to explore Lord Polwarth's missions with any thoroughness must either go to the manuscripts in the Register House, or must carry the printed texts to the Record Office in order to read them side by side with the excluded dispatches.

Incidentally it may be observed that the editor does not observe his rule very strictly. He does not even exclude all the documents that are to be found under "Denmark"

among the State Papers,[1] though he omits nearly all of these. But he includes a very substantial number of documents which are to be found elsewhere in the Record Office. Very frequently the Secretary of State sent to Polwarth for his guidance copies of dispatches to envoys at other courts. All of these, or very nearly all, are printed by Mr. Paton, though they can be consulted in the State Papers collected under the head of the court where the particular envoy resided. Also there are a number of dispatches sent by Stanhope when he was at Hanover, which are catalogued at the Record Office under " Regencies " or " Foreign Entry Book." These also have been included. It is difficult to quarrel with an editor for including documents which unquestionably make his volumes, especially volume II, more interesting and intelligible than they would be without them. But it is equally difficult to understand why a rule should apply to one set of documents in the Record Office and not to others. As a matter of fact, though Mr. Paton probably did not know it, several of his documents can not only be consulted in the Record Office but can be read in print in the volumes of *Diplomatic Instructions* which have been issued by this Society.

The rule for the exclusion of State Papers, though regrettable in the case of diplomatic documents, is both intelligible and defensible, and the editor is not to be blamed for having, however imperfectly, obeyed it. It diminishes, but does not in any way destroy, the value of what is left. There is, however, another practice on the part of the editor of these papers, which it is to be hoped was not licensed by the Commissioners, and against which a vehement protest must be made. In the reign of George I it was a very common practice, for obvious reasons, to write diplomatic letters in French. A large proportion of the letters in these volumes, including some of the most important, were written in that language, and the great majority of them—in the

[1] E.g. the letter of Stanhope to Carteret and Polwarth of 8 July, 1720, printed in Vol. II, p. 584, is to be found in R.O. Denmark, 43.

supposed interest of " the general reader " (I, p. vii)—have been translated into English. This, to speak frankly, is deplorable. The excuse is a flimsy one. It is inconceivable that a " general reader," in the usual acceptation of the term, could be induced to plough through these very long and heavy volumes, dealing with obsolete and obscure diplomacy, or that any reader who was sufficiently keen to grapple with the task should be unable to read a diplomatist's French. The translation is therefore quite unnecessary, and it is a very serious deduction from the value of the printed text. Any scholar who wishes to refer to or to quote from these French letters, will find it necessary to go to the original manuscripts. A very slight collation suffices to prove that the translation, while it conveys the main gist of the documents, is not nearly as accurate as it should be. Endless misconceptions and disputes have arisen in actual diplomacy from mistranslations. It is hard that the student of history should be exposed, quite needlessly, to similar risks.

A minor defect of the text is the number of what are either misprints or—which is more serious—the uncorrected blunders of a copyist. Two samples must suffice. Cyril Wich (whose name is at times given as Wych, Wick or Wyck), the British Resident at Hamburg—a diplomatist who deserves to be remembered as having negotiated the first treaty between Great Britain and Russia—appears (I, p. 144) as " President Wich." And (I, p. 462) His Majesty is referred to as having " taken office," whereas he obviously took " offence." It is unpleasantly suggestive that these and many other slips occur in letters which have been translated from the French, so that they cannot be eighteenth-century aberrations.

Mr. Paton's three Introductions give a reasonable conspectus of the contents of each volume. But they fail to fulfil one very obvious function of such Introductions, which is to fit the story disclosed by the subsequent letters into the general framework of European history. The obvious reason for the failure is that the editor does not possess a sufficiently

wide and accurate knowledge of history to enable him to write a really illuminating introduction. On the contrary, internal evidence goes to show that he began by mastering the information needed to cover the period dealt with in the first volume, that, when he came to the second, he added proportionately to his knowledge both of history and of diplomatic forms, and the same again for the third volume. Thus in the first volume he describes Polwarth as Ambassador to the Danish Court, while in the second he has to admit that he was only Minister Plenipotentiary, and that he did not rise to the rank of Ambassador till just before his departure from Copenhagen. So again in volume II (p. xiii) he gives the reader to understand that the Dutch, very tardily, joined the Quadruple Alliance, and a perusal of the letters seems to justify that assertion. But in the third volume he has discovered (p. vii) that the Dutch never actually signed the treaty, and adds that the Alliance was still Quadruple, because Spain acceded to it in February, 1720.

Another illustration of limited knowledge is shown by an astonishing statement in the Introduction to the second volume. Charles Frederick of Holstein-Gottorp was for years the stormy petrel of northern politics, and in that character his name frequently appears in the Polwarth Papers. His importance was enormously increased by the facts that he was taken into favour by Peter the Great, that he later married Peter's elder daughter, and that he became by that marriage the father of the future Tsar, Peter III. Mr. Paton (II, p. vi), after alluding to rumours of this projected marriage, adds "but this never took effect." Obviously "never" means to him within the limits of this volume. It is dangerous to write history in blinkers.

There are other noteworthy examples of inadequate or inaccurate knowledge. Like many English historians, Mr. Paton has been misled by contemporary references to Charles VI as "the Emperor," and to his agents and troops as "imperial," into confusing the Empire with the Austrian dominions. Charles VI combined in his own person two

quite distinct characters, as Emperor and as ruler of Austria, Hungary, Bohemia, etc., just as George I was at the same time King of Great Britain and Elector of Hanover. George had British and Hanoverian ministers : so did Charles have Imperial and Austrian officials. When Charles VI joined the Quadruple Alliance, he did so as ruler of Austria : when he claimed a right to dictate the distribution of Swedish territories in Germany, he was acting as Emperor. It is not always easy, but it is very necessary for the historian, to distinguish between the two offices : Mr. Paton never attempts to do so. This confusion is carried even further in the Indexes. There is practically no reference under the head of " Austria," whereas there are columns of references under " the Empire." Several of these refer to the Empire in its technical sense, as when Holstein is described as belonging to the Empire, or when Parma and Tuscany were claimed as imperial fiefs. But the vast majority of the entries refer to the conduct of the Austrian state, and ought to be indexed under a separate heading.

Still less defensible is the confusion under the title of " Germany," which is also identified with " the Empire." In the index to volume II, under the heading " Germany (the Empire)," come sixteen references to " treaty with Denmark." All these references are to the proposed treaty between Hanover and Denmark which was in Bothmer's charge. This is called in the various letters the " German treaty " to distinguish it from the " English treaty " which Polwarth was trying to negotiate at the same time, just as they call George I's Hanoverian advisers the " German ministers " to distinguish them from the British Cabinet. But with regard to them Mr. Paton falls into the same confusion. In the Index to volume II, under the general heading of " German," there are three separate sub-headings, German ministers, ditto at St. James's, ditto of George I. All these are actually the same, viz. the Hanoverian ministers of the British King. There could not be a better illustration of the danger of mechanical index-making.

A parallel to these confusions is to be found in the use of the term " Holland " to cover both the province of that name, and also the state of the United Provinces, of which Holland was a part. In the index to volume III there are twenty-one references under the heading " Holland, States-General of." A careful examination of these references yields the following remarkable results. On fourteen pages the word Holland occurs, but there is not the slightest reference to any Estates ; on five pages the Provincial Estates of Holland and other provinces are alluded to ; on only two of the pages cited is there any mention of the States-General. On the other hand there are at least two references to the States-General in the volume which are not indexed. This is really bad index-making, and may be exceptional. But there are some definite blunders apart from what have been called confusions. Thus in the index to volume I there are two references under " Sicily " to the Spanish invasion of that island which should be to the expedition against Sardinia. The mistake is the more inexplicable because on the pages referred to one writer (Bothmer) suspects the King of Sicily of being a party to the Spanish enterprise, while another (Robethon) says that that King disclaims any complicity with Spain. In the same index Victor Amadeus is described as King of Sicily and Sardinia ; whereas he held these crowns successively, not together.

In this review the defects of the editing of these volumes are confessedly exaggerated, as they must be when they are picked out and collected together. But, admitting this and that there are counter-balancing merits, the indictment is a serious one. The publications of the Historical MSS. Commission represent in bulk a very solid contribution to the sources of historical knowledge, and the credit of English scholarship is staked on their efficient presentation. The expenditure of the Commission is defrayed from public funds, and the public is entitled to full value for its money. To put it mildly, the Polwarth Papers are not as well edited

as they should have been. The three tests of an editor are his text, his Introductions and his Index. Judged by any of these, and especially by the first and third, Mr. Paton fails to reach a reasonable standard. His text is disfigured, and great part of it rendered almost useless, by the translation of the French documents. His index-making, though laborious, is unintelligent, mechanical, and not altogether trustworthy. His Introductions are disappointing. The Commissioners can hardly disclaim all responsibility for these defects. They chose the editor. They laid down the principles upon which documents were to be printed or excluded, and they should have ensured that these should be less capriciously observed. If they did not approve the translation of the French documents, they ought to have forbidden it. And they should have realized that an editor who might be competent to deal with English or Scottish history, was not necessarily so well fitted to deal with the complications of European diplomacy. If they could not find an expert to edit the documents, they might at least have found one to undertake the work of supervision or revision.

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REPORT OF THE COUNCIL. SESSION 1930–1931.

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the General Meeting of the Fellows as follows :—

The Council with regret announce the deaths of 20 Fellows during the session. These include two who held eminent office in the Society, namely, the Rev. William Hunt, Member of Council 1897–1901, Vice-President 1901–5 and 1909–13, Honorary Vice-President 1913 until his death on June 14, 1931, and President 1905–9 ; H. E. Malden, Member of Council 1887–95, Vice-President 1895–1916, Honorary Secretary 1903 until his death on March 16, 1931. The long and distinguished services rendered by Mr. Malden to the Society justify, it is hoped, the inclusion in this Report of a minute drawn up for the Council by his old friend and colleague, Dr. Hubert Hall, Director of the Society.

Besides these two, the Society lost W. G. Perrin, Member of Council 1924–7 and 1928–31, whose advice on matters of naval history was always valuable.

The rooms of the Society were used for meetings of the British Archæological Association, the Canterbury and York Society, the Central London Branch of the Historical Association, the Huguenot Society, the Japan Society, the Jersey Society, the Lingard Society, and the Royal Numismatic Society.

On Friday, July 17, the Society gave an afternoon party to meet the members of the Anglo-American Conference of Historians. By the courteous consent of the Russell Square Commissioners the gardens of the Square were thrown open to the Society and its guests. Reproductions of Old London prints published by the London Topographical Society were on view. There was a large attendance of Fellows and guests.

The Society was invited to send a representative to the quincentenary celebrations of Saint Joan of Arc at Rouen. It was unfortunately impossible to accept the invitation, but its receipt was acknowledged in a letter of cordial good wishes.

At the Anglo-American Historical Conference, held in July, the Society was represented by Sir Richard Lodge (President), Dr. Hubert Hall (Director), Professor F. J. C. Hearnshaw (Hon. Sec.), Dr. Eleanor Lodge, and Mr. J. F. Chance.

At a Congress of persons interested in the preservation of Historical Monuments held in Athens in October, the Society was represented by Mr. William Miller.

For the newly-instituted Anderson Berry Prize the Council appointed as examiners for the year 1931 Professor R. K. Hannay, M.A., of Edinburgh University, and Professor J. D. Mackie, M.A., of Glasgow University. Nine essays on "James Hepburn, Earl of Bothwell," were submitted. The result of the competition will be announced in the next annual report. The Council selected as the subject for the next competition, "The Resources of the Scottish Crown in its struggle with the Barons in the reigns of James I to James IV inclusive," but candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been submitted to and approved by the Council of the Royal Historical Society. Essays must be received by October 31, 1934. The prize consists of a gold medal together with the sum of £50. Full particulars of the conditions of the prize can be obtained from the Honorary Secretary of the Society. The terms of the advertisement are set out in an appendix to this Report, together with a statement of the receipts and expenditure during the period May 30, 1930, to October 31, 1931.

The Library was enriched by many kind gifts from Fellows and others, among whom should be specially mentioned the Hon. Sir John Fortescue, Mr. J. F. Chance,

Mr. E. Lipson, and the Historical Society of West Wales. Sir John Fortescue's valuable gift consisted of a series of the back numbers of the publications of the Army Historical Research Society and the Devon and Cornwall Record Society, together with the right to receive free of charge the future issues of these Societies.

At the Annual General Meeting held on February 12, 1931, Professor A. J. Grant was elected an Honorary Vice-President.

At the Annual General Meeting the Vice-Presidents retiring under By-law XVII were : A. G. Little and G. P. Gooch. Dr. Rose Graham and Professor F. M. Powicke were elected Vice-Presidents to fill the vacancies.

The Members of Council retiring under By-law XVII were : Dr. C. W. Prévite-Orton, V. H. Galbraith, Professor J. E. Neale, Professor Lillian Penson, and W. G. Perrin.

The following were elected Members of Council to fill the vacancies : Professor H. H. Bellot, Z. N. Brooke, Dr. Claude Jenkins, Hilary Jenkinson, and Professor Hilda Johnstone.

V. H. Galbraith was subsequently co-opted upon the Finance, Library and Publication Committees.

J. F. Chance was appointed Auditor for the Council and P. W. Chandler and W. T. J. Gun for the Fellows.

On April 23, 1931, Professor F. J. C. Hearnshaw was appointed by the Council Honorary Secretary for the remainder of the Session 1930–1931 in place of the late Mr. H. E. Malden. On accepting the office of Honorary Secretary he expressed the wish to resign that of Honorary Treasurer which he had held for a year, and on June 11, Mr. M. S. Giuseppi was elected to succeed him and was co-opted a Member of the Council.

A preliminary meeting of the Society was held on October 9, 1930, when the President, Sir Richard Lodge, LL.D., Litt.D., delivered an inaugural address on " English Neutrality in the War of the Polish Succession. A Com-

mentary upon British Diplomatic Instructions, Vol. VI (France 1727–1748)."

The following Papers were read during the Session 1930–1931 :—

"Materials for the reign of Alfonso The Wise of Castile (1252–1284)." By Miss Evelyn S. Procter, M.A., F.R.Hist.S. (November 13, 1930.)
"English 17th and 18th century architecture." By Sir Reginald Blomfield, R.A., D.Litt., F.S.A., F.R.Hist.S. (December 11, 1930.)
"The Elibank Plot (1752–1753)." By Sir Charles Petrie, Bt., M.A., F.R.Hist.S. (January 8, 1931.)
"Borough Business of a Suffolk Town, Orford, 1579–1660." By R. A. Roberts, Barrister-at-Law, V.P.R.Hist.S. (March 12, 1931.)
"Forfeiture and Attainder in 1388." By Miss M. V. Clarke, M.A., F.R.Hist.S. (April 23, 1931.)
"Economic and Colonial Aspects of the Negotiations at Ryswick (1697)." By Professor W. T. Morgan, Ph.D., F.R.Hist.S. (May 14, 1931.)

The President (Sir Richard Lodge, LL.D., Litt.D.) delivered an Address at the Anniversary Meeting, February 12, 1931, his subject being, "The Mission of Henry Legge to Berlin, 1748."

The Alexander Medal was awarded to Miss K. A. Walpole, M.A., for an essay entitled : "The Humanitarian Movement of the Early Nineteenth Century to remedy Abuses on Emigrant Vessels to America."

The Presidential Address, with the Alexander Essay and the above Papers, have been printed in *Transactions*, Fourth Series, Vol. XIV.

In addition to the current volume of *Transactions* (Fourth Series, Vol. XIV) the following volume of the Camden Third Series has been issued since the last Annual Report of the Council :—Vol. XLVI. *British Diplomatic Representatives* (1689–1789), compiled by D. B. Horn, M.A., D.Litt.

Besides the two Volumes (III and IV) of John of Gaunt's Register (see Camden Third Series, Vols. XX and XXI) and Transactions, Vol. XV, the following publications are in immediate preparation :—*General and Provincial Chapters of the English Black Monks*, Vol. II ; *British Diplomatic Instructions*, Vol. VII (France, Vol. IV) ; *Select Letters of*

King Richard the Second, edited by Monsieur Edouard Perroy, and *Early Parliamentary Documents*, edited by Mr. H. G. Richardson and Mr. G. O. Sayles.

The Society during the year lost, in addition to those above-mentioned, 17 Fellows by resignation, 2 by removal from the roll for non-payment of subscription, and 3 Libraries by resignation. New Fellows were elected to the number of 65, 1 Fellow was reinstated, and 4 Libraries were elected.

The total membership of the Society on October 31, 1931, was 866 Fellows, including Ordinary, Life, Honorary and Corresponding Fellows. There were 270 subscribing Libraries. Of the Fellows, 5 were Honorary, 31 were Corresponding and 151 were Life Fellows. There were 69 Societies, British and Foreign, which exchanged *Transactions* with the Royal Historical Society.

The Treasurer reports that, for the year ending October 31, 1931, the income exceeded the expenditure by £363 17*s.* 9*d.* This result was due mainly to the fact that during the year, as foreshadowed in the last Report, the Council issued only one Camden volume in addition to the yearly volume of *Transactions*. The restriction thus imposed on the expenditure allowed the Society to live within its income after expending £184 14*s.* 3*d.* on the upkeep of the premises and including in the accounts a sum of £430 for the cost of the publications of the year.

It must be borne in mind that in the future, when the lease of the present premises falls in, it will be necessary to have a substantial surplus accumulated to meet the expenses of (*a*) renewing the lease of the present house or (*b*) acquiring the possession of other premises.

A sum of £94 16*s.* was added to the Pension Fund, which stood with accumulated interest at £454 14*s.* 8*d.* This £94 16*s.* was added to the investment in Conversion Stock 5 per cent.

The total of Life Subscriptions forming the Capital Account (see By-law IX) was £2,618 12*s.*, which, together

with the Pension Fund of £454 14*s.* 8*d.*, making a total Capital Liability of £3,073 6*s.* 8*d.*, was amply covered by the total investments, £4,330 18*s.* 6*d.*, the market value of which at the date of this Report was £4,349 2*s.*

Minute of the Council on the Death of Mr. H. E. Malden.

The Council have had the melancholy task of notifying the death of Mr. Henry Elliot Malden, the Society's Honorary Secretary, after a short illness.

Mr. Malden's services and his useful and valuable labours as a student of local history have been more than once acknowledged by the Council on behalf of this Society and were recently referred to in the Press on behalf of his fellow-students at large.

The records of our Society show that Mr. Malden's contributions to its *Transactions* began soon after his election in 1880 and that he was nominated as a member of Council and a Vice-President successively within a few years of that date.

Mr. Malden therefore represented very fitly the two periods of the Society's activities, before and after 1897, when its new programme of scholarly research, begun in 1891, and extended by amalgamation with the Camden Society, was firmly established.

In 1894 the present Literary Director had volunteered to act as the Society's Honorary Secretary on the tragic death of its then secretary, and when, in 1903, owing to the improved circumstances of the Society and the appointment of its present able Assistant Secretary, he wished to be relieved of the latter office, Mr. Malden consented to act as Honorary Secretary, to the great benefit of the Society, which owes much to his dignified, scholarly and humane conduct of its official and equally of its intimate affairs so modestly conducted withal, that we are only now fully sensible of our obligations to his helpful Fellowship during the last 50 years.

ROYAL HISTORICAL SOCIETY.

I.—Income of the Year ending October 31, 1931, and the Charges thereon.

Income.			£ s. d.
Subscriptions received for year 1930		£51 18 0	
Less amount estimated to be received in last year's accounts for subscriptions in arrear		35 0 0	
Subscriptions in arrear, received in excess of estimate			16 18 0
Subscriptions now in arrear estimated to be received			35 0 0
Subscriptions of 1931:			
„ „	2 at 20s.	2 0 0	
„ „	4 at 21s.	4 4 0	
„ „	270 at 30s.	405 0 0	
„ „	636 at 42s.	1335 12 0	
			1746 16 0
Life subscriptions		136 10 0	
Less proportion required by By-law IX to be invested (see Balance-sheet)		91 0 0	
			45 10 0
Dividends on Investments			177 14 5
Interest on Deposit Account at Bank			11 6 1
Rentals received			263 16 6
			£2297 1 0

Expenditure.		£ s. d.
Publications: Printing, Distributing, Editing and Indexing	£538 2 10	
Less received from Sales	89 15 8	
		448 7 2
Salaries and Wages		685 1 3
Rent of Premises, 22 Russell Square		170 0 0
Coal		15 10 7
Electric Light, Gas, etc.		21 10 6
Rates (Parochial, etc.) and Taxes		171 12 2
General Printing and Stationery		45 0 1
Library: Books, Periodicals, Binding, and Cataloguing		68 16 1
Postages, etc.		43 14 3
Premises, 22 Russell Square: repairs, etc.		184 14 3
Insurance (Fire, National Health, etc.)		10 12 3
Monthly Meetings (cost of Refreshments)		30 3 0
Alexander Medal		3 5 0
Contribution to British Committee of International Congress		15 15 0
Sundries (Petty Cash payments)		19 1 8
		1933 3 3
Balance, being excess of Income over Expenditure for the year ending October 31, 1931, after including the amount owing to Printers for work outstanding and not paid till 1932; carried to Balance-sheet		363 17 9
		£2297 1 0

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1931.

Liabilities.			£ s. d.
Life subscriptions required to be invested as Capital Account (By-law IX): amount brought forward from last Balance-sheet	£2527 12 0		
Proportion of Life subscriptions received in 1931 (see Income and Expenditure Account)	91 0 0		2618 12 0
Pension Fund:			
Balance from last year	351 5 8		
Interest received	8 13 0		
Cost of £88 11 6 Conversion Stock 5%	94 16 0		454 14 8
			3073 6 8
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, National Savings Certificates, Conversion Stock 5%, Conversion Stock 4½%, Conversion Stock 3½%, and Cash on Deposit—see *contra*.]			
Subscriptions received in advance			25 10 0
Amount owing to Printers			430 0 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£3361 17 0		
Deduct Pension Fund (as above)	94 16 0		
	3267 1 0		
Add Excess of Income over Expenditure, as per Account I	363 17 9		3630 18 9
			£7159 15 5

Assets.			£ s. d.
Consols 2½%, £699 9s. 9d. valued at		£314 0 0	
India 3½% Stock, £900 valued at	in 1920	500 0 0	
Canada 3½% Stock, £300 valued at		200 0 0	
500 National Savings Certificates, at cost		400 0 0	
Conversion Stock 5%, £879 3 6, at cost		826 3 1	
Conversion Stock 4½%, £1220 at cost		1177 2 3	
Conversion Stock 3½%, £1200 at cost		913 13 2	4330 18 6
[The market value of the above investments on October 31, 1931, was £4349]			
Cash at Bank: Current Account		£179 11 9	
,, Deposit ,,		614 0 2	
Petty Cash Balance in hand		0 5 0	793 16 11
Stock of Publications at Russell Square (value as insured)			100 0 0
Stock of Publications with Printer (value as insured)			500 0 0
Library (value as insured)			1000 0 0
,, Manuscripts (value as insured)			100 0 0
Furniture, etc. ,, ,,			300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)			35 0 0
			£7159 15 5

(*Signed*) M. S. Giuseppi, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct, and to exhibit a true statement of the Society's financial position.

(*Signed*) J. F. Chance
Pretor W. Chandler
W. T. J. Gun
} *Auditors.*

December 8, 1931.

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(INCORPORATED BY ROYAL CHARTER.)

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Cape Town (South Africa), South African Library.
Colombo (Ceylon), University College.

Dunedin (New Zealand), Otago University Library.

Egypt, The Egyptian University Library, Orman Gardens, Giza, B.

Grahamstown (South Africa), Rhodes University College Library.

Halifax (Nova Scotia), Legislative Library.

Johannesburg (South Africa), Public Library.

Lahore (India), University of the Punjab.
London (Canada), University of Western Ontario.
Lucknow (India), Isabella Thoburn College.

Melbourne (Victoria), University Central Library.
Public Library.
Montreal (Canada), Civic Library, 1210 Sherbrooke Street E.
McGill University Library.

Ottawa (Canada), Library of Parliament.

Patna (India), Patna College Library.
Perth (West Australia), Public Library.
Pretoria (South Africa), State Library.

Sydney (New South Wales), Public Library of New South Wales.
University Library.

Toronto (Canada), Legislative Library of Ontario.
Public Library, College and St. George Street.

Vancouver (British Columbia), University of British Columbia.
Victoria (British Columbia), Provincial Library.

Wellington (New Zealand), General Assembly Library.

FOREIGN COUNTRIES.

BELGIUM.

Brussels, Bibliothèque Royale.
Gand, Bibliothèque de l'Université, 2 Fosse d'Othon.

CHINA.

Peking, Chinese Social and Political Science Association, Men Shen Ku, Nan Chih Tze Ta., Chieh.
The National Library, 1 Wen Tsin, Chieh.
Tungshan, Canton, Sun Yatsen University Library.

DENMARK.

Copenhagen, Kongelige Bibliothek.

FRANCE.

Paris, Bibliothèque Nationale.
Institut de France.
Université de Paris.
Strasbourg, Bibliothèque Nationale et Universitaire, 6 Place de la République.

GERMANY.

Berlin, Preussische Staats-Bibliothek.
Bonn, Universitäts-Bibliothek.
Breslau, Universitäts-Bibliothek.
Erlangen, Universitäts-Bibliothek.
Freiburg, Universitäts-Bibliothek.
Göttingen, Universitäts-Bibliothek.
Greifswald, Universitäts-Bibliothek.
Halle, Universitäts-Bibliothek.
Hamburg, Institut für Auswärtige Politik, Poststrasse 19, Staats-Bibliothek.
Hamburg, Staats-Bibliothek.
Heidelberg, Universitäts-Bibliothek.
Jena, Universitäts-Bibliothek.
Kiel, Universitäts-Bibliothek.
Königsberg, Universitäts-Bibliothek.
Leipzig, Universitäts-Bibliothek.
Marburg, Universitäts-Bibliothek.
Münich, Bayer Staats-Bibliothek.
Würzburg, Universitäts-Bibliothek.

ITALY.

Roma, Biblioteca Apostolica Vaticana.

NORWAY.

Oslo, The University Library.

POLAND.

Warsaw, Biblioteka Ministerstwa Spraw, Zagranieznych.

RUSSIA.

Leningrad, U.S.S.R., Biblioteka Akademia Nauk, Birjewaja, Linija 1.
Moscow, U.S.S.R., Biblioteca Wsesojusnaja, Mochowaja 3.

SWEDEN.

Götebörg, Staadsbibliothet.
Stockholm, Kungl. Bibliotehet.
Uppsala, Kungl. Universitets-Bibliothek.

UNITED STATES.

Albany (N.Y.), New York State Library.
Amherst (Mass.), Amherst College Library.
Ann Arbor (Mich.), Michigan University Library.

Baltimore (Md.), Enoch Pratt Library.
Johns Hopkins University Library.
Peabody Institute Library.
Berkeley (Cal.), California University Library.
Bloomington (Ind.), Indiana University Library.
Boston (Mass.), Athenæum.
Public Library.
Brunswick (Me.), Bowdoin College Library.
Bryn Mawr (Pa.), Bryn Mawr College Library.
Buffalo (N.Y.), Grosvenor Public Library.

Cambridge (Mass.), Harvard College Library.
Harvard Law School Library.
Chicago (Ill.), Newberry Library.
University Library.
Cincinnati (Ohio), Public Library.
Cleveland (Ohio), Public Library.
Clinton (New York), Hamilton College Library.
Columbus (Ohio), State University Library.

Detroit (Mich.), Public Library.
Durham (N. Car.), Duke's University.

Eugene (Oregon), University of Oregon.
Evanston (Ill.), North Western University.

Grand Forks (N. Dakota), North Dakota University.
Grand Rapids (Mass.), Public Library.

Hanover (N.H.), Dartmouth College Library.
Haverford (Pa.), Haverford College Library.
Houston (Texas), Rice Institute Library.

Ithaca (N.Y.), Cornell University Library.

Jersey City (N.J.), Free Library.

Lansing (Mich.), State Library.
Lawrence (Kans.), Kansas University Library.
Lincoln (Neb.), Nebraska University Library.
Los Angeles (Cal.), Public Library.

Madison (Wis.), State Historical Society of Wisconsin.
Milwaukee (Wis.), Public Library.
Minneapolis (Minn.), Athenæum Library.
Minnesota University Library.
Mundelein (Ill.), Feehan Memorial Library, St. Mary of the Lake Seminary.

Newark (N.J.), Free Public Library.
New Haven (Conn.), Yale University Library.
New York, Columbia University Library.
General Theological Seminary Library, 175 Ninth Avenue.
Public Library.
University, Washington Square Library, 32 Waverley Place.
Northampton (Mass.), Smith College Library.

Philadelphia (Pa.), Library Company of Philadelphia.
Pennsylvania University Library.
Yarnall Library of Theology, 42nd and Locust Streets.
Pittsburg (Pa.), Carnegie Library, The Periodical Room, Shenley Park.
Poughkeepsie (N.Y.), Vassar College Library.
Princeton (N.J.), Princeton University Library.
Providence (R.I.), Brown University Library.

Richmond (Va.), Virginia State Library.
Rochester (N.Y.), University Library.

St. Louis (Mo.), Public Library.
University Library, Grand and Pine Boulevards.
Washington University.
San Francisco (Cal.), Public Library, Civic Center.
San Marino (Cal.), Henry E. Huntington Library.
Seattle (D.C.), University of Washington.
South Bethlehem (Pa.), Lehigh University Library.
South Hadley (Mass.), Mount Holyoke College Library.
Stanford (Cal.), University Library.

Terre Haute (Ind.), Indiana State Normal School Library.

Urbana (Ill.), Illinois University Library.

Washington (D.C.), Carnegie Endowment for International Peace, 2 Jackson Place.
Catholic University of America.
Wellesley (Mass.), Wellesley College Library.
Williamstown (Mass.), Williams College Library.
Winona (Minn.), College of Saint Teresa.

HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

WHICH EXCHANGE TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY.

Society of Antiquaries, Burlington House, London, W.1.
Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 63 Chancery Lane, W.C.2.
Surrey Archæological Society, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.1.
The University, Manchester.
Thoroton Society, Nottingham, c/o Rev. A. T. Cameron, St. Michael's Vicarage, Mt. Hoxton Road, Nottingham.

HISTORICAL SOCIETIES ABROAD

WHICH EXCHANGE TRANSACTIONS WITH THE SOCIETY.

AUSTRALIA.

Royal Australian Historical Society, Department of Education Offices, Bridge Street, Sydney, Australia.

AUSTRIA.

Akad. der Wissenschaften, Vienna.

BELGIUM.

Académie Royale des Sciences, des Lettres et des Beaux-Arts, Palais des Académies, Brussels.
Académie Royale d'Archéologie de Belgique, Rue de Witte, 59, Antwerp.
Archives, Hotel de Ville, Antwerp.
Revue Bénédictine, Abbaye de Maredsous, par Maredret.
Société d'Archéologie de Bruxelles, 11 Rue Ravenstein, Brussels.

CANADA.

Public Archives of Canada, Ottawa.
Toronto University.

CZECKO-SLOVAKIA.

Böhmischen Gesellschaft der Wissenschaften, Alstadt, c. Nr. 562, Prague.

DENMARK.

Société Royale des Antiquaires du Nord, Copenhagen.

FRANCE.

Annales de Bourgogne, c/o Bibliothèque de la Ville, Dijon.
Bibliothèque de l'Université de Toulouse, 2 Rue de l'Université, Toulouse, Haute-Garonne.
Société de l'École Nationale des Chartes, 19 Rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 Rue des Francs-Bourgeois, Paris.
Société des Antiquaires de l'Ouest, Rue des Grandes-Écoles, Poitiers.

GERMANY.

Notgemeinschaft der Deutschen Wissenschaft, 3 Schlosz Portal, Berlin.
Hansischer Geschichtsverein, Staats Archiv., Konigstrasse 21, Lübeck.

HOLLAND.

Commissie van Advies voor Rijks Geschied-kundige Publicatien, The Hague.
Historisch Genootschap, Utrecht.

ITALY.

Reale Academia Lucchese di Scienze, Lettere ed Arti, Lucca.
Reale Academia dei Lincei, Rome.
R. Società Romana di Storia Patria, Rome.
Società di Storia Patria per la Sicilia Orientale, Catania, Sicily.

MEXICO.

Museo Nacional, D.F., Mexican Republic, Mexico.

NOVA SCOTIA.

The Nova Scotia Historical Society, Halifax, N.S.

POLAND.

Bibliothèque de L'Institut National Ossolinski Leopol (Lwow).
L'Administration Générale des Archives de l'État, Warsaw, Ul. Dlugo, No. 13.
Polskie Towarzystwo Historyczne, Lwow Universitets (Leopol), Lwow.
Societas Scientiarum Varsaviensis, 8 Sniadeckich, Warsaw.

PORTUGAL.

Academia Real das Sciencias, Lisbon.
Revista de Historia, Av. do duque de Avila, Lisbon. 112.3°.

ROUMANIA.

Academia Romana, Bucharest.

RUSSIA.

Académie des Sciences d'Ukraïne, Rue Tchoudnovski 2, Kyïv, Ukraine.

SOUTH AMERICA.

Academia Nacional de la Historia, Carácas, Venezuela.

SPAIN.

Real Academia de la Historia, Calle del Leon 21, Madrid.

SWEDEN.

K. Universitets Biblioteket, Lund.
Kongl. Vitterhets Historie Antiquitets Akademien, National Museum, Stockholm.
The Royal Society of Antiquaries of Sweden, Stockholm.
The University, Upsala.

SWITZERLAND.

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.
Historische und Antiquarische Gesellschaft, Universitäts-Bibliothek, Basel.
Tauschstelle der Antiquarischen Gesellschaft, Zentral Bibliothek, Zürich.

UNITED STATES.

American Antiquarian Society, Worcester, Mass.
American Jewish Historical Society, 3080 Broadway, New York.
Connecticut Historical Society, Hartford, Conn.
Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, Pa.
Illinois Historical Society, Springfield, Illinois.
Library of Congress, Washington, D.C.
Maryland Historical Society, Baltimore, Md.
Massachusetts Historical Society, Boston, Mass.
Minnesota Historical Society, Saint Paul, Minn.
New England Historic-Genealogical Society, 9 Ashburton Place, Boston, Mass.
New Jersey Historical Society, 16 West Park Street, Newark, N.J.
New Hampshire State Library, Concord, N.H.
New York Historical Society, 77 Street and Central Park West, New York.
Rhode Island Historical Society, Providence, R.I.
South Carolina Historical Society, Charleston, S.C.
Texas State Historical Society, Austin, Texas.
Virginia Historical Society, 707 East Franklin Street, Richmond, Va.

The Council are not responsible for the accuracy of the foregoing list, but they request that any inaccuracy or omission may be pointed out to the Secretary, and that all changes of address may be notified to him, so that delay in forwarding communications and the Publications of the Society may be avoided.

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